

THE
Punjab Legislative Council
Debates.

From 26th June to 21st December 1934.

Vol. XXV.

OFFICIAL REPORT.



Lahore :

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1935.

PRINCIPAL OFFICERS OF THE PUNJAB LEGISLATIVE
COUNCIL.

President.

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

Deputy President.

Sardar Bahadur Sardar Buta Singh, B.A., LL.B.

Secretary.

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

Assistant Secretary.

Khan Sahib Hakeem Ahmed Shujaa, B.A.

PUNJAB LEGISLATIVE COUNCIL.

LIST OF MEMBERS.

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The Hon'ble Sir Miles Irving, Kt., C.I.E., O.B.E., I.C.S., Revenue Member to Government, Punjab.

The Hon'ble Mr. D. J. Boyd, C.I.E., I.C.S., Finance Member to Government, Punjab.

The Hon'ble Sardar Sir Jogendra Singh, Kt., Minister for Agriculture, (Sikh, Landholders).

The Hon'ble Malik Sir Firoz Khan Noon, Kt., Minister for Education, (Shahpur East, Muhammadan, Rural).

The Hon'ble Dr. Gokul Chand Narang, M.A., Ph. D., Minister for Local Self-Government, (North-West Towns, Non-Muhammadan, Urban).

II.—OFFICIAL MEMBERS.

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Askwith, Mr. A. V., I.C.S., Secretary to Government, Punjab, Transferred Departments.

Fazl Ilahi, Khan Sahib Shaikh, Director, Information Bureau, Punjab.

Ferguson, Mr. J. A., O.B.E., I.C.S., Financial Commissioner, Development, Punjab.

Garbett, Mr. C. C., C.M.G., C.I.E., F.R.G.S., I.C.S., Chief Secretary to Government, Punjab.

Grindal, Mr. A. D., Offg. Secretary to Government, Punjab, Finance Department.

Hearn, Mr. J. W., I.C.S., Home Secretary to Government, Punjab.

Latifi, Mr. A., C.I.E., O.B.E., I.C.S., Financial Commissioner, Revenue, Punjab.

Murphy, Mr. A., O.B.E., I.S.E., Chief Engineer to Government, Punjab, Public Works Department, Irrigation Branch.

Muzaffar Khan, Khan Bahadur Nawab, C.I.E., Reforms Commissioner and Joint-Secretary to Government, Punjab, Transferred Departments.

Sanderson, Mr. R., M. A., I.E.S., Director of Public Instruction, Punjab.

Wace, Mr. F. B., I.C.S., Registrar, Co-operative Societies, Punjab.

III.—NON-OFFICIAL MEMBERS.

Abdul Ghani, Shaikh, West Punjab Towns (Muhammadan), Urban.

Afzal Haq, Chaudhri, Hoshiarpur-cum-Ludhiana (Muhammadan) Rural.

III.—NON-OFFICIAL MEMBERS—CONTINUED.

- Ahmad Yar Khan, Daulatana, Khan Bahadur Mian, (Muhammadan), Land-holders.
- Akbar Ali, Pir, B.A., LL. B., Ferozepore (Muhammadan), Rural.
- Allah Dad Khan, Chaudhri, B.A., Ambala division, North-East (Muhammadan), Rural.
- Arjan Singh, Sardar, B.A., LL.B., Hoshiarpur and Kangra (Sikh), Rural.
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- Chetan Anand, Lala, B.A., LL.B., West Punjab Towns (Non-Muhammadan), Urban.
- ✓ Chhotu Ram, Rao Bahadur Chaudhri, B.A., LL. B., South-East Rohtak (Non-Muhammadan), Rural.
- Chowdhry, Mr. Sajjan Kumar, Hissar (Non-Muhammadan), Rural.
- Faqir Hussain Khan, Chaudhri, Amritsar (Muhammadan), Rural.
- Fazl Ali, Khan Bahadur Nawab Chaudhri, O.B.E., Gujrat East (Muhammadan), Rural.
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- Gopal Das, Rai Sahib Lala, Lahore and Ferozepore-cum-Sheikhupura (Non-Muhammadan), Rural.
- Gurbachan Singh, Sardar Sahib Sardar, Jullundur (Sikh), Rural.
- Habib Ullah, Khan Bahadur Sardar, Lahore (Muhammadan), Rural.
- Haibat Khan Daba, Khan, Multan East (Muhammadan), Rural.
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- Jawahar Singh Dhillon, Sardar, B.Sc. (Agri.), (Wales), M.S.P. (London), Lahore (Sikh), Rural.
- Jyoti Prasad, Lala, B.A., LL.B., South-East Towns (Non-Muhammadan), Urban.
- Kesar Singh, Rai Sahib Chaudhri, Amritsar-cum-Gurdaspur (Non-Muhammadan) Rural.
- Labh Chand Mehra, Rai Sahib Lala, Representative of General Interests (Nominated).
- Labh Singh, Mr., M.A., LL.B. (Cantab), Rawalpindi division and Lahore division North (Non-Muhammadan), Rural.

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- Malak, Mr. Muhammad Din, Lahore city (Muhammadan), Urban.
- Mamraj Singh Chohan, Kanwar, B.A., LL.B., Ambala-cum-Simla (Non-Muhammadan), Rural.
- Manohar Lal, Mr., M.A., Punjab University.
- Mayadas, Mr. Ernest, B.A., Representative of Indian Christians (Nominated).
- Mazhar Ali Azhar, Maulvi, B.A., LL.B., East and West Central Towns (Muhammadan), Urban.
- Mohan Singh, Sardar Bahadur Sardar, Rawalpindi division and Gujranwala (Sikh), Rural.
- Mohindar Singh, Sardar, Ludhiana (Sikh), Rural.
- Mubarak Ali Shah, Sayad, Jhang (Muhammadan), Rural.
- Muhammad Abdul Rahman Khan, Chaudhri, Jullundur (Muhammadan), Rural.
- Muhammad Amin Khan, Khan Bahadur Malik, O.B.E., Attock (Muhammadan), Rural.
- Muhammad Eusooof, Khwaja, South-East Towns (Muhammadan), Urban.
- Muhammad Hayat Qureshi, Khan Bahadur Nawab, C.I.E., Shahpur West (Muhammadan), Rural.
- Muhammad Hasan, Khan Sahib Makhdum Shaikh, Muzaffargarh (Muhammadan), Rural.
- Muhammad Jamal Khan Leghari, Khan Bahadur Nawab, Baluch Tumdars (Landholders).
- Muhammad Raza Shah Gilani, Makhdumzada Sayad, Multan West (Muhammadan), Rural.
- Muhammad Sadiq, Shaikh, Amritsar city (Muhammadan), Urban.
- Muhammad Sarfraz Ali Khan, Raja, Jhelum (Muhammadan), Rural.
- Muhammad Yasin, Khan, Chaudhri, B.A., LL.B., Gurgaon-cum-Hissar (Muhammadan), Rural.
- Mukand Lal Puri, Mr., M.A., Punjab Industries.
- Mukerjee, Rai Bahadur Mr. P., Punjab Chamber of Commerce and Trades Association (Commerce).
- Mushtaq Ahmad Gurmani, Khan Bahadur Mian, Representative of General Interests (Nominated).
- Muzaffar Khan, Khan Bahadur Captain Malik, Mianwali (Muhammadan), Rural.
- Narendra Nath, Diwan Bahadur Raja, M.A., Punjab Landholders (General).
- Nathwa Singh, Chaudhri, Karnal (Non-Muhammadan), Rural.
- Nihal Chand Aggarwal, Lala, East and West Central Towns (Non-Muhammadan), Urban.

III.—NON-OFFICIAL MEMBERS—CONCLUDED.

Noor Ahmad Khan, Khan Sahib Mian, Montgomery (Muhammadan), Rural.
Nur Khan, Khan Sahib Risaldar Bahadur, Rawalpindi (Muhammadan), Rural.

Nurullah, Mian, B. Com. (London), F.R.E.S., Lyallpur South (Muhammadan), Rural.

Pancham Chand, Thakur, Kangra (Non-Muhammadan), Rural.

Pandit, Mr. Nanak Chand, M.A., Hoshiarpur (Non-Muhammadan), Rural.

Raghubir Singh, Honorary Lieutenant Sardar, O.B.E., Amritsar (Sikh), Rural.

Rahim Bakhsh, Maulvi, Sir, K.C.I.E., Representative of General Interests (Nominated).

Ramji Das, Lala, Amritsar city (Non-Muhammadan), Urban.

Ram Sarup, Chaudhri, North-West Rohtak (Non-Muhammadan), Rural.

Ram Singh, 2nd Lieutenant Sardar, Ambala division (Sikh), Rural.

Riasat Ali, Chaudhri, B.A., LL.B., Gujranwala (Muhammadan), Rural.

Sampuran Singh, Sardar, Lyallpur (Sikh), Rural.

Sewak Ram, Rai Bahadur Lala, Multan division (Non-Muhammadan), Rural.

Shah Muhammad, Chaudhri, Sheikhpura (Muhammadan), Rural.

Shave, Dr. (Mrs.) M. C., Representative of the European and Anglo-Indian communities (Nominated).

Sheo Narain Singh, Sardar Bahadur Sardar, C.I.E., Representative of General Interests (Nominated).

Ujjal Singh, Sardar Sahib Sardar, M.A., Sikh (Urban).

Umar Hayat, Chaudhri, Gujrat West (Muhammadan), Rural.

Zafrulla Khan, Chaudhri, B.A., LL.B., Sialkot (Muhammadan), Rural.

TABLE OF CONTENTS.

FOURTH SESSION OF THE FOURTH PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 26th June 1934.

	PAGES.
Oath of office	1
Reference to late Mr. Owen Roberts	1
Starred questions and answers	8
Unstarred questions and answers	67
Motion for adjournment—Occupiers' rate on Fodder (<i>Leave to move granted</i>).	79
The Punjab Relief of Indebtedness Bill — Reference to select committee (<i>not concluded</i>).	80

Wednesday, 27th June 1934.

Starred questions and answers	107
Unstarred questions and answers	173
Motion for adjournment — Appointment of Revenue Member— (<i>motion for leave not moved</i>).	183
Statement re. Retrenchment of one Chief Engineer ..	183
The Punjab Relief of Indebtedness Bill—Reference to select committee (<i>not concluded</i>).	184
Motion for adjournment — Occupiers' rate on fodder (<i>Discussed</i>)	213

Thursday, 28th June 1934.

Starred questions and answers	291
Short notice questions and answers	275
Unstarred questions and answers	284
The Punjab Relief of Indebtedness Bill—Reference to select committee (<i>Adopted</i>).	318

Thursday, 18th October 1934.

Oath of office	365
Starred questions and answers	365
Reference to late Chaudhri Shah Muhammad	383
The Punjab Relief of Indebtedness Bill (<i>Presentation of report of select committee</i>).	384
Government's Demands for Supplementary Grants	384
Report of the Public Accounts Committee on Appropriation Accounts (<i>laid on the table</i>).	404

Wednesday, 24th October 1934.

	PAGES.
Oath of office	405
Starred questions and answers	405
Unstarred questions and answers	462
Resolutions—	
<i>Re. Concessions to auction purchasers of land in Shahdara tahsil.</i>	488
<i>Re. Propaganda against use of alcohol and other intoxicants</i>	496
<i>Re. Punitive Police</i>	502

Thursday, 25th October 1934.

Starred questions and answers	521
Short notice questions and answers	594
Unstarred questions and answers	595
Papers laid on the table—	
Statement showing action taken by Government on resolutions of the Council.	610
Statement showing action taken by Government on cuts made by the Council in the original and supplementary demands.	610
The Punjab Municipal Executive Officer (Amendment) Bill <i>(Motion for reference to select committee lost).</i>	610
The Punjab anti-Beggary Bill—	
Introduction	610
Circulation for public opinion	618
The Punjab Alienation of Land (Amendment) Bill <i>(Withdrawn)</i>	611
The Punjab Small Towns (Amendment) Bill—	
Introduction	612
Circulation for public opinion	616
The Punjab Village Panchayat (Amendment) Bill—	
Introduction	612
Circulation for public opinion	617
The Punjab Suppression of Immoral Traffic Bill—	
Introduction	618
Circulation for public opinion	614

Friday, 26th October 1934.

Starred questions and answers	619
Excess Demands for 1932-33	666
Supplementary Demands for Grants	667
The Punjab Relief of Indebtedness Bill	667

Monday, 29th October 1934.

	PAGES.
Starred questions and answers	698
Short notice questions and answers	789
Unstarred questions and answers	741
The Punjab Relief of Indebtedness Bill (Motion for consideration)	747

Tuesday, 30th October 1934.

The Punjab Relief of Indebtedness Bill (Motion for consideration).	788
--	-----

Monday, 1st November 1934.

The Punjab Relief of Indebtedness Bill (Motion for consideration) (adopted).	829
--	-----

Monday, 12th November 1934.

Oath of office	855
Starred questions and answers	855
Short notice question and answer	859
Unstarred question and answer	860
The Punjab Relief of Indebtedness Bill (considered) ..	862

Tuesday, 13th November 1934.

The Punjab Relief of Indebtedness Bill (considered) ..	903
--	-----

Thursday, 15th November 1934.

The Punjab Relief of Indebtedness Bill (considered) ..	948
--	-----

Friday, 16th November 1934.

Starred questions and answers	985
The Punjab Relief of Indebtedness Bill (considered) ..	986

Monday, 19th November 1934.

Oath of office	1019
Starred questions and answers	1019
Unstarred question and answer	1022
The Punjab Relief of Indebtedness Bill (considered) ..	1023

Tuesday, 20th November 1934.

Oath of office	1063
The Punjab Relief of Indebtedness Bill (considered) ..	1063

Friday, 23rd November 1934.

	PAGES.
Oath of office	1105
The Punjab Relief of Indebtedness Bill (<i>considered</i>) ..	1105

Monday, 26th November 1934.

Oath of office	1189
Starred questions and answers	1189
Short notice question and answer	1154
The Punjab Relief of Indebtedness Bill (<i>considered</i>)..	1155
The Punjab Land Revenue Amendment Bill (<i>Introduced and passed</i>).	1182
Government's Demands for Token Grants	1183
Report of the Franchise Committee and the Joint Select Committee (<i>allotment of time for discussion</i>).	1183

Friday, 30th November 1934.

Oath of office	1185
Starred questions and answers	1185
Short notice questions and answers	1188
Joint Select Committee's Report (<i>Allotment of time for discussion</i>).	1190
Franchise Committee's Report (<i>Allotment of time for discussion</i>).	1191
The Punjab Relief of Indebtedness Bill. (<i>Passed</i>)	1191

Monday, 17th December 1934.

Oath of office	1217
Starred questions and answers	1217
Unstarred questions and answers	1226
Sittings of the Council	1228
Joint Parliamentary Committee's Report (<i>discussion</i>) ..	1228

Tuesday, 18th December 1934.

Short notice question and answer	1269
Joint Parliamentary Committee's Report (<i>discussion</i>) ..	1269

Thursday, 20th December 1934.

Oath of office	1309
Starred questions and answers	1309
Franchise Committee's Report (<i>discussion</i>)	1311

Friday, 21st December 1934.

	PAGES.
The Punjab Relief of Indebtedness Bill (<i>Reconsidered</i>) ..	1863
Government Demands for Supplementary Grants ..	1896
Farewell by the Honourable Captain Sirdar Sir Sikander Hyat-Khan.	1897

APPENDIX A.

APPENDIX B.

INDEX.

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238 PLO-525-14-2-35-SGPP Lahore.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 26th June 1934.

The Council met at the Legislative Assembly Chamber, Simla, at 9-30 A.M. of the clock. Mr. President in the chair.

OATH OF OFFICE.

The following members were sworn in :—

Mr. A. Murphy (Chief Engineer).

Mr. A. D. Grindal (Finance Secretary).

Mr. A. V. Askwith (Secretary, Transferred Departments).

Chaudhri Umar Hayat (Gujrat West Muhammadan, Rural).

Mr. J. D. Anderson (Secretary, Legislative Department).

Khan Bahadur Nawab Muzaffar Khan (Reforms Commissioner and Joint Secretary, Transferred Departments).

Mr. F. B. Wace (Registrar, Co-operative Societies).

REFERENCE TO LATE MR. OWEN ROBERTS.

The Honourable Sir Miles Irving (Revenue Member): Sir, since this House last assembled it has suffered an irreparable loss in the lamented death of our colleague and friend Mr. Owen Roberts—and not this House alone, but the whole Punjab mourns with us.

Mr. Owen Roberts' connection with public life in the Punjab extends for over 30 years. He was a nominated member of the Lahore Municipal Committee from before the days of unofficial presidents and held successively the important offices of Chairman of the Finance Sub-Committee and Junior and Senior Vice-President. Outside the Committee his public activities were many and all characterised with the single-hearted devotion to the public good which has always been his singular merit. He performed with conscientious care the duties of Visitor of the Central Jail and Member of the Committee of the Mental Hospital. He was the first President of the Automobile Association of Northern India. He was an active member of the Northern India Chamber of Commerce and Chairman of the European Association, and above all he was a wise counsellor and a generous benefactor to those in trouble, one to whom the unfortunate could come with their trouble and to whom the distressed might prefer their suit.

But I should more particularly recall his services as a member of this House, fresh as they are in the minds of those to whom I speak. He has sat in every Council of this House since its inception, and has served it in more ways than I have time to mention. In the hard work of the Committees of this House he was always punctual in his presence, courteous

[The Hon. Sir Miles Irving.]

and conciliatory in demeanour and wise in judgment. I may perhaps particularly call to mind his services on the Provincial committees in connection with the Simon and Lothian Commissions. On the floor of the House he took the great and courageous step of identifying himself with the political life of the country. Ripe in judgment, ready in debate and prudent in counsel, he earned the respect of all parties in the House, and in no less a degree that of the Government who find the loss of his advice, particularly in the matter of the great industry of the Punjab, well nigh irreparable. And let me add that he came down to this House in the clutches of his mortal sickness because he felt that this House had need of him and died a martyr to duty. And we have lost a friend of singular personal charm, the charm that comes of unaffected simplicity. The House is the emptier for his presence. The influence of such men and their example is not wasted, it endures. Whatever we have loved in him, whatever we have admired, remains and will remain.

In expressing our sense of loss let us not forget the deeper loss of those near and dear to him and let us let them know that we share their sorrow. Sir, I move—

That this House records with the deepest regret its sense of the great loss sustained by it in the death of its late member, Mr. Owen Roberts, and desires that the expression of its sincere condolence be conveyed to Mrs. Owen Roberts and the other members of his family.

Khan Bahadur Nawab Muhammad Hayat Qureshi (Shahpur West, Muhammadan, Rural) (*Urdu*): I whole-heartedly associate myself with the remarks made by the Honourable Sir Miles Irving. Mr. Owen Roberts was a zealous member of our party. In fact his death has caused irreparable loss to this House in general and to our party in particular. I hope the House will unanimously support the motion now before us, and a message of condolence will be sent to the members of the bereaved family.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General): Sir, I wish to associate myself whole-heartedly with what has been said by Sir Miles Irving and I support the motion that is before the House. I can claim to have enjoyed the friendship of Mr. Owen Roberts for a number of years ever since I became a member of this Council and I found that his activities were all very much to be admired by us and I appreciated them. I sympathise with the survivors, and I am very sorry for the loss that the Council has sustained by his death.

Sardar Sahib Sardar Ujjal Singh (Sikh, Urban): I rise to associate myself on behalf of the Sikh Party with the expression of sorrow and grief and the conveyance of sympathy to Mrs. Owen Roberts. Mr. Owen Roberts was a business man of an outstanding ability and we in the Council had always valued his opinions and views. I remember the valuable work done by him as a member of the Provincial Reforms Committee and whoever had the opportunity of working with him on any committee would certainly bear testimony to the good work done by Mr. Owen Roberts.

Mr. E. Mayadas (Nominated, non-official): Sir, I also rise to associate myself with the remarks that have been made by the honourable members.

The Honourable Sardar Sir Jogendra Singh (Minister for Agriculture): I wish to associate myself with the Leader of the House. Mr. Owen Roberts rendered services to the province both in his private and public life which cannot be forgotten. He was a source of strength in this House. I remember seeing him just a week before I came to Simla and I had a talk with him for about half an hour. Even then when lying on a sick bed he talked of the coming reforms, the problem of rural indebtedness, the question of municipal reforms; all these things were dear to his heart. In him the House has lost a member whose services to the province were great and whose place it is difficult to fill. I wish to associate myself with all that the Leader of the House has said about him and I wish to convey to his wife and his survivors our heartfelt sympathy.

Rai Bahadur Mr. P. Mukerji (Punjab Chamber of Commerce and Trades Association, (Commerce): Sir, on behalf of the commercial community of the Punjab, I desire to associate myself with what has fallen from the mouths of the various members of this House. Although Mr. Owen Roberts represented the European community, every member of this House is aware with what respect his views on commercial subjects were listened to by this House. I was quite safe in his presence in this House, for in all commercial matters Mr. Owen Roberts took a sound view. With these few words I support the motion before this House.

Mr. President: Honourable members, I endorse every word that has been said by the various speakers representing different communities, and parties. Is it your wish that a message of condolence and sympathy be sent to the members of the bereaved family?

The House assented.

STARRED QUESTIONS AND ANSWERS.

TAQAVI IN HISSAR DISTRICT.

***3235. Mr. Sajan Kumar, Chowdhry:** Will the Honourable Member for Revenue kindly state—

- (a) whether it is a fact that large amounts of *taqavi* for seed, fodder, etc., have been advanced to the agriculturists of the *barani* villages in the Hissar district during the last 7 or 8 years;
- (b) whether it is a fact that most of the amount of *taqavi* thus advanced could not be recovered on account of failure of crops and is being suspended from time to time;
- (c) whether it is a fact that Government had to forego a sum of Rs. 11,42,205 advanced to the people of the Gurgaon district as *taqavi* during the last 7 or 8 years;
- (d) whether it is a fact that on account of failure of crops the Government has remitted suspended land revenue up to *rabi* or *kharif* 1931 in the Hissar district;
- (e) if the answers to (a), (b), (c) and (d) be in the affirmative, whether Government proposes to take any steps for the remission of overdue instalments of *taqavi* of seed and fodder, etc., advanced to zamindars of the Hissar district?

The Honourable Sir Miles Irving : (a), (b) and (c). The attention of the honourable member is invited to the answer given to Council question No. 8210¹ (starred).

(d) Yes.

(e) The question of remissions will be considered on the merits of each case in accordance with the rules.

LAND REVENUE IN HISSAR DISTRICT.

***3236. Mr. Sajan Kumar Chowdhry :** Will the Honourable Member for Revenue kindly state—

- (a) whether it is a fact that land revenue of three or more crops of more than 100 *barani* villages in the Hissar district is outstanding on account of suspensions granted by the Government ;
- (b) whether it is a fact that the zamindars of the *barani* villages in the Hissar district have been hard hit on account of constant famines and their paying capacity has much decreased ;
- (c) whether it is also a fact that no special rules for the remission of suspended land revenue of the *barani* villages of the Hissar district have so far been framed by the Government ;
- (d) if the answers to (a), (b) and (c) be in the affirmative, whether Government, taking into consideration the dire poverty of the famine stricken zamindars of the Hissar district, is prepared to take necessary action with regard to—
 - (i) the suspended land revenue of such villages where more than one year's land revenue is outstanding ;
 - (ii) automatic remission of land revenue in case of suspension of land revenue of two harvests of a *barani* village ?

The Honourable Sir Miles Irving : The attention of the honourable member is invited to the answer given to starred Council question No. 8281.²

DAMAGE TO OIL SEEDS, GRAM AND OTHER CROPS, HISSAR DISTRICT.

***3237. Mr. Sajan Kumar Chowdhry :** Will the Honourable Member for Revenue kindly state—

- (a) whether it is a fact that great damage has been done by severe cold to the standing oilseeds and gram crops specially and barley and wheat crops generally in the Hissar district ;
- (b) whether it is a fact that more than two-thirds of the crop of oilseeds has been destroyed by severe cold and *telia* insect ;
- (c) if the answer to (a) and (b) be in the affirmative, what measures of relief Government proposes to adopt ?

The Honourable Sir Miles Irving : The attention of the honourable member is invited to the reply given to Council question No. 3282² (starred).

¹Volume XXIV, page 1122.

²Volume XXIV, page 1184.

HINDUS IN PALWAL MUNICIPALITY.

***3238. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the Hindu population of Palwal, district Gurgaon, is 65 per cent. of the whole population ;
- (b) whether it is a fact that their representation in the elected element of the municipality is only 50 per cent. ;
- (c) whether it is also a fact that there is no Hindu amongst the nominated members ;
- (d) what Government intends to do in the matter ?

The Honourable Dr. Gokul Chand Narang : (a) Hindus form about 62 per cent. of the population.

(b) Yes ; but the communal classification is Muslims and Hindus and others.

(c) Yes, but a non-Muslim, viz., a Christian has been nominated.

(d) No action seems necessary.

SUMMER VACATION IN THE SCHOOLS IN AMBALA DIVISION.

***3239. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Education be pleased to state—

- (a) whether Government is aware that in Ambala division the summer vacations in boys and girls' schools are given for different days and for different periods ;
- (b) whether Government is aware that this causes great inconvenience to the parents whose girls and boys (both) study in schools, in the matter of taking them to the hills ;
- (c) what action Government proposes to take in the matter ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) No complaints have been received from the parents.

(c) The matter is being looked into.

ASSESSORS IN HISSAR DISTRICT.

***3240. Lala Chetan Anand :** Will the Honourable Member for Finance please state—

- (a) the total number of assessors in the Hissar district ;
- (b) how many of them are Hindus and how many are Muslims ;
- (c) the procedure adopted for summoning them in sessions cases ;
- (d) whether it is a fact that some of the Muslim assessors are called twice or thrice a year, while some of the Hindus are not called even once a year ;
- (e) if so, the reasons for the same ?

The Honourable Mr. D. J. Boyd : (a) 129.

(b) Hindus	97
Muslims	42

[The Hon. Mr. D. J. Boyd.]

(c) There is no fixed procedure, but since February 1933 notices are being sent to an equal number of Hindus and Muslims and a selection is then made out of them by lot.

(d) The reply to the first part is in the affirmative and the latter in the negative.

(e) Usually the assessors in the Hissar division are divided communally in their verdict in all cases in which any communal point of a view can possibly be taken. In view of this the District Judge ordered that so far as possible an equal number of assessors should be present from both communities in all cases in which any communal question could possibly arise. In order to save the trouble of inquiring into the facts of every sessions case to discover if a communal question could arise in it or not, the District Judge's office started summoning four assessors from each community in every case. Orders have now been issued that in future this procedure should be resorted to only in communal cases.

IBRAHIM KHAN, ZAILDAR OF MANGALI.

***3241. Lala Chetan Anand :** Will the Honourable Member for Revenue kindly state—

- (a) whether it is a fact that Ibrahim Khan, zaildar of village Mangali, in the Hissar district, is under orders of suspension ;
- (b) if so, since when and why he was suspended ;
- (c) whether it is a fact that the same zaildar was suspended before too ;
- (d) if so, the reasons for suspension and reinstatement ?

The Honourable Sir Miles Irving : (a) Yes ;

(b) From the 3rd March 1932. The reasons for the order of suspension are on the record of which a copy can be obtained on payment of the prescribed fee, and it is not in the public interest that copies of such orders should be furnished in reply to a question in this House.

(c) Yes.

(d) The honourable member is referred to the reply to part (b).

DEPUTY SUPERINTENDENT OF POLICE, FINGER PRINT BUREAU.

***3242. Sardar Jawahar Singh Dhillon :** Will the Honourable Finance Member kindly state—

- (a) the qualifications of the Deputy Superintendent of Police, in charge Finger Print Bureau, Phillaur ;
- (b) whether he holds any degree or diploma of any foreign university in the science of finger-prints or special training gained abroad in the line ;
- (c) whether a properly qualified person can be found in the province ; if so, why Government have failed so far to secure his services for the post ?

The Honourable Mr. D. J. Boyd : (a) Thorough knowledge of the finger print system, organising ability and unquestioned probity, are the chief qualifications.

(b) No.

(c) Yes. Government has not failed to fill the post. The present incumbent has worked in the Bureau since 1907.

SEDUCTION IN SCHOOLS.

***3243. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Education please state—

(a) the number of cases of seduction amongst the Secondary Department of the schools in the province annually for the last five years ;

(b) the punishment meted out to the offender in every case ;

(c) whether Government is aware that a society named Youths' Welfare Association has been started at Lahore to eradicate this evil ; if so, whether Government intends lending its support to such a society ?

The Honourable Malik Sir Firoz Khan Noon : (a) The number of cases reported is as follows :—

1929-30	..	..	..	3
1930-31	..	..	..	5
1931-32	..	..	..	7
1932-33	..	..	..	2
1933-34	..	..	..	14
Total				31

(b) In ten cases dismissal.

In one case four years' rigorous imprisonment.

In one case dismissal and three months' rigorous imprisonment.

In one case reduction by one step in grade ; in this case the punishment appears lenient, but the Director of Public Instruction has sent for the file in order to look into facts.

In ten cases the charges could not be proved.

The remaining eight cases are under consideration.

(c) The suggestions made by the Youths' Welfare Association are under consideration.

SUPERINTENDING ENGINEER, ELECTRICAL DEPARTMENT.

***3244. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Agriculture kindly state—

- (a) whether the present Superintending Engineer, Electrical Department, is about to proceed on leave ; if so, when ;
- (b) whether a European executive engineer will be appointed in the leave vacancy of the Superintending Engineer mentioned in (a) above ;
- (c) whether the senior sub-divisional officer will succeed to the post of the executive engineer to be vacated on the promotion of the latter officer as Superintending Engineer ; if not, why not ;
- (d) whether it is proposed to appoint the present senior sub-divisional officer as personal assistant to the Superintending Engineer ?

The Honourable Sardar Sir Jogendra Singh : (a) The Electrical Engineer to Government proceeded on leave on the 5th April 1934.

(b) A European, Mr. C. W. Stowers, the senior Executive Electrical Engineer was appointed in the leave vacancy.

(c) The senior sub-divisional officer was appointed to the post vacated by Mr. Stowers.

(d) Does not arise.

 BOILER INSPECTORS.

***3245. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) the date on which the Boiler Inspectors Act came into force ;
- (b) the names of persons who have so far been appointed Boiler Inspectors ;
- (c) whether it is a fact that two Hindus and two Sikhs were recently appointed as Boiler Inspectors ;
- (d) whether it is a fact that after the death of a Hindu Boiler Inspector his post was retrenched and thus the number of the Boiler Inspectors was reduced from 4 to 3 ;
- (e) whether a Muslim has ever been appointed as a Boiler Inspector ; if not, why not ?

The Honourable Sir Miles Irving : (a) There is no such Act. The Indian Boilers Act came into force on 1st January 1924.

(b) S. Indar Singh, Lala Sant Ram Kalra, S. Asa Singh and Lala Bishambar Das (deceased).

(c) No. Two appointments were made in 1922 and two in 1925.

(d) The post has not been retrenched, but has not been filled.

(e) A Muslim has recently been appointed in a leave vacancy.

HOLIDAYS TO PRISONERS.

***3246. Khan Bahadur Captain Malik Muzaffar Khan :** Will the Honourable Member for Finance please state—

- (a) whether it is a fact that no holiday is allowed to prisoners in Punjab jails on the occasion of religious festivals ;
- (b) whether it is a fact that even on religious festivals such as Id, Dussehra, Dewali, Moharram and Christmas, the prisoners are required to do full labour and no cessation from work or opportunity to observe their respective religious performances on such days is allowed to the prisoners of different religions ;
- (c) whether Government is aware that in Bengal Presidency and other provinces holidays are allowed to prisoners on the occasion of their religious festivals ;
- (d) what action Government proposes to take in the matter ?

The Honourable Mr. D. J. Boyd : (a) Yes, except on Good Friday and Christmas Day.

(b) Yes, with the exception of these two days.

(c) Yes.

(d) The honourable member's suggestion will be taken into consideration.

SIKH LADIES IN PUNJAB EDUCATIONAL SERVICE.

***3247. Sardar Sampuran Singh :** Will the Honourable Minister for Education please state if there is any Sikh lady in the Punjab Educational Services No. 1 and No. 2 (Women's Branch)—

(a) if not, why not ;

(b) whether it is a fact that fresh recruitment was made in this service lately ;

(c) whether it is a fact that despite there being qualified Sikh candidates for this service, none was taken ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes. There is one officiating in the Punjab Educational Service (Class II) Womens' Branch. It may, however, be pointed out that selection for direct recruitment to the Punjab Educational Service (Class II) is made by a Selection Board consisting of the Director of Public Instruction and four non-official members of this honourable House.

(b) Yes.

(c) The applications of candidates were considered by the Board of Selection who presumably considered no Sikh candidate good enough for recruitment.

MUNICIPAL COMMITTEE, BURYA.

***3248. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

(a) how long the Municipal Committee of Burya, district Ambala, has been under suspension and how long it is likely to be so ;

[Shrimati Lekhwati Jain.]

- (b) the grounds under which this action was taken ;
- (c) whether the same grounds exist even now ;
- (d) if so, what action Government proposes to take to ameliorate the administration of the town ?

The Honourable Dr. Gokul Chand, Narang : (a) The Municipal Committee of Buria was superseded on August 21st, 1933. The question of its reconstitution will be taken up as soon as its finances improve.

(b) The reasons for superseding the Committee are given in a press communiqué (copy laid on the table) which was published at the time.

(c) Yes.

(d) The Tahsildar of Jagadhri was appointed administrator of the municipality, with a view to his effecting improvements in the administration.

PRESS COMMUNIQUE.

Buria is Small Town in the Jagadhri tahsil of the Ambala district. It used to be a flourishing town when there was no railway, but since the establishment of a railway station at Abdulla-pur about four miles away, the town has steadily decreased in population owing to the diversion of trade to that place ; and now, owing to the ruinous state of the town, it is difficult to command all the entrances and prevent constant evasion of octroi. In addition to this, the Municipal Committee has been mismanaging its affairs, is heavily in debt, and has been unable to hold general elections since 1925. Government has, therefore, been constrained to supersede the Committee and to appoint the Tahsildar of Jagadhri to administer its affairs.

VERNACULAR LOWER MIDDLE SCHOOL, BURYA.

***3249. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that there was a vernacular lower middle school in Buria, district Ambala ;
- (b) whether it is a fact that this school has been proposed to be abolished ;
- (c) if so, the reasons for taking the extraordinary step ;
- (d) whether it is a fact that Free Primary Compulsory Education Act has been long applied to Buria town ;
- (e) if so, whether the Government proposes to give effect to its provisions in the absence of any school within the town ;
- (f) whether it is a fact that Buria is quite an important old town having a population of about 11,000 people and a municipal committee ; if so, why no school should be maintained there ;
- (g) whether it is a fact that the inhabitants of Buria have addressed memorials to the Deputy Commissioner, Ambala, and Inspectors of Schools, Ambala division, requesting that the school be continued as before ;
- (h) what action Government proposes to take on this memorial ?

The Honourable Malik Sir Feroz Khan Noon : (a) Yes.

(b) Yes.

(c) The District Board, Ambala, decided to close down the Lower Middle School at Buria because it was situated within the municipal limits of Buria and outside the district board area. Although it is legally possible for a district board to run a school outside its area, yet the responsibility of keeping this school alive rests heavily on the local leaders concerned. The two local bodies concerned should with the help of the Deputy Commissioner and the Commissioner come to an amicable settlement.

(d) The introduction of compulsion was sanctioned by Government but it was not actually introduced by the Municipal Committee, Buria, on account of paucity of funds.

(e) Does not arise.

(f) Yes. Buria is a town. As it had a municipal committee which is now suspended it was previously the duty of the committee to maintain a school there.

(g) Yes. Two representations from the public of Buria were addressed to the Chairman, District Board, Ambala, and the District Inspector of Schools, Ambala. The public should press the local authorities for the attainment of the object.

(h) The representations are to be considered by the District Board, the authority maintaining the institution at Buria. Government cannot compel a district board to act against the provisions of the District Board Act.

PASSPORT TO JAPAN FOR MUNSHI RAM JAIN.

***3250. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (a) whether it is a fact that one Munshi Ram Jain, a well-known Congress worker of Lahore, applied to the Deputy Commissioner of Lahore for a passport to Japan ;
- (b) whether it is a fact that he gave all the particulars required for granting a passport and also agreed to abide by all rules and regulations ;
- (c) whether it is a fact that in his application the said Munshi Ram stated that he was undertaking this journey for commercial purposes ;
- (d) whether it is a fact that he has been refused a passport ;
- (e) if so, on what grounds ;
- (f) whether he will lay a copy of the order of Deputy Commissioner on the table ;
- (g) whether Government is prepared to reconsider its decision on any condition ?

The Honourable Mr. D. J. Boyd : (a) to (d) Yes.

(e) In view of his past record Government does not consider him entitled to the privilege of a passport.

(f) and (g) The Deputy Commissioner passed no order and the passport was refused by Government.

CLERKS' QUARTERS, SIMLA.

***3251. Shrimati Lekhwati Jain :** Will the Honourable Minister for Agriculture please state—

- (a) whether the clerks' quarters at Ellerslie, Simla East, are meant for junior clerks only ;
- (b) whether the said quarters are in some cases allotted to highly paid clerks and that the claims of the low paid clerks are often ignored ; if so, how many such cases have occurred in the Civil, Irrigation and Roads and Buildings Secretariat offices during the past two years ;
- (c) if the answers to (a) and (b) above be in the affirmative, whether Government proposes in future to give preference to the low paid clerks in the allotment of the said quarters ?

The Honourable Sardar Sir Jogendra Singh : (a) No.

(b) No.

(c) Does not arise.

DISTRICT BOARD ENGINEER, LYALLPUR.

***3252. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the District Board, Lyallpur, has very recently curtailed its benevolent activities on account of financial deficiency ;
- (b) whether the present grade of the District Board Engineer, Lyallpur, is from Rs. 400 to 600 ;
- (c) whether it has been brought to the notice of the Government that the Deputy Commissioner, Lyallpur, who is a president of the District Board also has expressed his willingness to appoint a European engineer on Rs. 700 to 1,000 grade ;
- (d) whether it is a fact that the Deputy Commissioner of Lyallpur called a special meeting of the Finance Committee to sanction this grade of Rs. 700 to Rs. 1,000 so that the European engineer be provided for ;
- (e) whether it has been brought to the notice of the Government that there was a Muhammadan candidate named Mian Karam Din, who has far higher academic qualifications and has more practical experience than the European who is being provided for ;
- (f) whether it is a fact that the said Mian Karam Din expresses willingness to be appointed on Rs. 400 to 600 grade ;
- (g) if so, whether the Government enquired from the District Board why they are depriving a highly qualified Indian, who has higher qualifications and is willing to accept lower pay, as compared with the European candidate ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) The pay scale of the present District Engineer is Rs. 400—25—600.

(c) The post was advertised in the press. Out of the candidates who applied, the Deputy Commissioner as Chairman of the Board and the two Vice-Chairmen jointly recommended to the Board the appointment of Mr. H. G. Milchem on pay of Rs. 700 per mensem, in the grade of

Rs. 500—50—750. Consideration of the proposal has been postponed pending final orders on the case of the present District Engineer, against whom departmental proceedings are being taken.

(d) No.

(e) Mian Karam Din Bhomeroy is another of the candidates whose case was for the consideration of the Board. Both Mr. Milchem and Mian Karam Din are reported to possess the requisite qualifications for the appointment. Mian Karam Din's academic qualifications are perhaps superior; his practical experience appears to be less than that of Mr. Milchem.

(f) His application is silent on this point. No pay was shown in the advertisement.

(g) Does not arise.

Chaudhri Allah Dad Khan : Is it a fact that the pay of the European engineer who has now been appointed was reduced to Rs. 250 by the Multan District Board?

The Honourable Dr. Gokul Chand Narang : I require notice of the question.

Chaudhri Allah Dad Khan : Before appointing the European engineer did the Honourable Minister see his previous record of work?

The Honourable Dr. Gokul Chand Narang : I appointed no one, nor can I appoint any.

Chaudhri Allah Dad Khan : Did the District Board that appointed him see to his qualifications?

The Honourable Dr. Gokul Chand Narang : I do not know. That is not my business.

Chaudhri Allah Dad Khan : Will the Honourable Minister please say whether the Engineer is related to the Deputy Commissioner, Lyallpur?

The Honourable Dr. Gokul Chand Narang : I do not know.

SALE OF GOVERNMENT LANDS IN LOWER BARI COLONY.

***3253. Khan Haibat Khan Daba :** Will the Honourable Member for Revenue be pleased to state—

- (i) (a) the average sale price per acre, by auction and tender, of Government lands in Lower Bari Colony, in 1925, 1927 and 1928 respectively;
- (b) the average sale price per acre in 1931;
- (c) the average net price per acre including interest realized by Government, hitherto, actually, in 1925, 1927, 1928 and 1931 respectively;
- (d) the sums of money foregone by way of relief in 1925, 1927 and 1928 respectively;
- (e) the loss which the Government will have to bear if concessions similar to 1925, 1927 or 1928 are extended to 1931 also;
- (f) the number of free crops (without paying instalments) enjoyed by 1925, 1927, 1928 and 1931 purchasers respectively;
- (g) whether it is a fact that Government ordered in the first instance not to extend any concession to 1925 but after one year or so extended the largest amount of concessions to 1925 purchasers only;

[Khan Haibat Khan Daba.]

- (h) whether it is a fact that the purchasers of 1931 were required to pay immediately one-eighth whereas in 1925, 1927 and 1928, only one-tenth of the bid price was charged and also that in the case of 1931 alone instalments fell due immediately with heavy harvest ;
- (ii) whether the Government intends to extend concessions of the nature that were extended to 1925, 1927 and 1928 purchasers to those of 1931 also, especially in view of the fact that as far as the quality of land and canal supply and market prices are concerned, 1931 purchasers are the hardest hit and they have already paid per acre more than the purchasers of 1925 who got the largest concessions ?

The Honourable Sir Miles Irving : (i) to (ii). The information required has been supplied in reply to question No. 3043¹ starred, asked by Pir Akbar Ali in the last session of the Council. The 1931 auction purchasers are now eligible for the concessions announced for auction purchasers in all colonies in Punjab Government letter No. 1589-C., dated 2nd May 1934.

SALE OF AGRICULTURAL LAND IN GUJRAT.

***3254. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to—

- (i) state whether it is a fact that one Hari Singh, a non-agriculturist of Lalamusa, was given permission for the sale of agricultural land to him by the Deputy Commissioner of Gujrat in—
- (a) Lalamusa,
 - (b) Khwaspur,
 - (c) Saidangol,
 - (d) other environs of Lalamusa and the date of such permissions ;
- (ii) lay on the table of the House a statement giving full particulars of the said land, including the names of those from whom the land was purchased and a statement of the reasons for which the permission was given ;
- (iii) state whether it is a fact that the Tahsildar and the Revenue Assistant reported that the said Hari Singh proposed to sell the land in small plots and should not be given permission, and the permission was given in spite of these reports ;
- (iv) state whether it is a fact that the said Hari Singh has actually sold a large area from the land in small plots ; and, if so, the particulars of such sales and the area which remains unsold ?

The Honourable Sir Miles Irving : (i) (a), (b) and (d). No.

(c) Yes, by order, dated 25th November, 1931.

(ii) A statement is laid on the table. A copy of the order, which gives full particulars is obtainable from the Deputy Commissioner's office on payment of the usual fee. Government consider it against constitutional practice to supply such copies in reply to questions in this House.

(iii) Yes.

(iv) Yes. A statement is laid on the table.

List of mutations in favour of Bhai Hari Singh of Lalamsa for agricultural land sold by agriculturists during the last 7 years with Deputy Commissioner's permission.

Field Nos.	Area.	Persons from whom the land was purchased.	Detail of sale money.
	Kls. Mls.		Rs.
2452/2009, 2456/2009	.. ..	Ahmad, Gujjar of Khawasapur..	700
1811 to 1813, 1815, 1816, 1817	.. ..	Muhammad Khan, Gujjar of Khawasapur.	2,000
‡ share of ————— 1453 1086			
1068 1020			
1079			
‡ share of No. 718-719	.. ..	Ditto	1,000
727	7 0		
1077			
‡ share of No. 715 to 719	.. ..	Ditto	1,000
1089			
771 ..	.. ..	Ditto	2,000
1	4 2		
Total	24 9	..	6,700

No more detail of money is given in the mutations.

[The Hon. Sir Miles Irving.]

Lists of certain mutations of sale in favour of Bhai Hari Singh, Arora of Lalamsa by certain Gujjar agriculturists of Saida Gole.

Serial No.	Name of village.	Number of mutation.	Name of vendor.	Area transferred.	Sale money.	Kind and date of transaction.	REMARKS.
1	Saida Gole	1378	Ahmad, Gujjar, Agriculturist.	Kls. Mls. 2 0	Ra. 700	Sale by a registered deed, dated 16th November 1926.	The whole of this area has been sold to the following persons in small parcels :— Allah Ditta, Maehhi 5 marlas. Karam Din, Tarkhan 6 .. Ali Ahmad, Tarkhan 6 .. Abdulla, Tarkhan 6 .. Karam Ilahi, Hajjam 5 .. Alla Ditta, Keshmiri 5 .. Nur Ahmad, Keshmiri 5 .. Muhammad Din, Khoja 2 .. — 2 kanals.
2	Ditto	1379	Muhammad Khan, Gujjar, Agriculturist.	5 15	2,000	Sale by a registered deed, dated 29th October 1926.	Consideration money is not available in revenue records. Following areas sold to— (1) Mussamat Dhan Devi, Arora 5 marlas for Rs. 175. by mutation No. 1606. (2) Mussamat Lila Wanti, Arora, 5 marlas for Rs. 175. No. 1607.

(3) Fazal Ahmad, etc., Shalkh, No. 1794 10 marlas for Rs. 300.

Following area was sold by registered deeds as he did in the case of area shown in one to—

(1) Alla Ditta, Jat	..	5 marlas.
(2) Harnam Singh, Arora	..	6 "
(3) Dhan Devi	..	12 "
(4) Des Raj	..	8 "
(5) Mathra Singh	..	10 "
(6) Raja Singh, etc.	..	27 "
(7) Teja Singh	..	10 "
(8) Natinjan Singh	..	5 "
(9) Amar Singh	..	15 "

Consideration money is not available in revenue records.

Area sold subsequently as follows :—

	Kls. Ms.	Rs.
(1) To Siraj Din, Tarkhan by mutation No. 1819.	3 12	for 1,440
(2) To Mulk Raj, Arora No. 1829	1 4	" 400
(3) To Mehr Singh, Arora, No. 1841	1 1	" 400
(4) Sardar Singh, Arora, No. 1875	0 12	" ..
(5) To Mohan Singh, No. 1878	0 4	" 100
(6) To Lal Singh, No. 1877	0 8	" 200

Total .. 7 1 " 2,540

Sale by registered deed, dated the 21st April 1927.

1,000

7

0

Ditto

1380

Ditto

3

[The Hon. Sir Miles Irving.]

Serial No.	Name of village.	Number of mutation.	Name of vendor.	Area transferred.	Sale money.	Kind and date of transactions.	REMARKS.
4	Saida Gole	1381	Muhammed Khan, Gujjar, Agriculturist.	Kla. Mla. 5 12	Ra. 1,000	Sale by a registered deed, dated the 21st April 1927.	Hari Singh made a gift of all this 5 kanals 12 marlas area in favour of Khalee School, Laleemusa. The School Manager is in possession.
5	Ditto ..	1383	Ditto ..	4 2	2,000	Sale by a registered deed, dated the 17th May 1927.	Hari Singh sold the land to following persons :— <div style="display: flex; justify-content: space-between;"> <div> <p>(1) Muhammad Din, Kashmiri, mutation No. 1779.</p> <p>(2) Ahmad Din, Kashmiri, mutation No. 1780.</p> <p>(3) Muhammad, Kashmiri, mutation No. 1781.</p> <p>(4) Lal, Kashmiri, mutation No. 1782.</p> <p>(5) Ibrahim, Kashmiri, mutation No. 1783.</p> <p>(6) Muhammad, Ashraf, Mughal, mutation No. 1784.</p> </div> <div> <p>Kla. Mla. Ra.</p> <p>0 5 for 110</p> <p>0 6 132</p> <p>0 6 132</p> <p>0 8 176</p> <p>0 6 132</p> <p>0 6 120</p> </div> </div>

(7) Ghulam Rasool, Kashmiri, mutation No. 1785.	0	5	"	100
(8) Khushi Muhammad, Kashmiri, mutation No. 1786.	0	5	"	100
(9) Abdulla, Kashmiri, mutation No. 1787.	0	7	"	140
(10) Muhammad Din, Kashmiri, mutation No. 1788.	0	7	"	140
(11) Ilm Din, mutation No. 1789	0	2	"	40
(12) Fazal Ahmad, mutation No. 1790.	0	10	"	200
(13) Ghulam Muhammad, mutation No. 1791.	0	4	"	80
(14) Muhammad Shafi, mutation No. 1792.	0	5	"	100
Total	..	4	2	1,702

SPECIAL PUBLIC PROSECUTOR, SIALKOT.

***3255. Chaudhri Zafrulla Khan :** Will the Honourable Member for Finance kindly state—

- (a) whether it is a fact that a special Public Prosecutor was appointed in the Sialkot district to conduct on behalf of the Crown cases of embezzlement relating to money belonging to certain co-operative societies in the district;
- (b) whether it is a fact that there are one court inspector and three court sub-inspectors, two of whom are graduates in law at Sialkot in addition to the Public Prosecutor for the conduct of Crown cases;
- (c) whether it is a fact that all the cases referred to in (a) above have been decided both in the trial courts and in the sessions court with the exception of one case which is a case on a complaint and not a challan;
- (d) if the answer to (c) be in the affirmative, the need for the retention of the special Public Prosecutor any longer and in any case whatever the answer to (c), what is the work which the special Public Prosecutor is henceforth expected to do?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) Yes.

(c) Yes.

(d) The appointment of the Public Prosecutor has ceased.

SUB-INSPECTOR OF POLICE, INDARI.

***3256. Chaudhri Allah Dad Khan :** Will the Honourable Member for Finance please state—

- (a) who was the sub-inspector of police in charge of Indari police station in the Karnal district in 1933;
- (b) whether he has received a representation signed by a number of inhabitants of the Indari police station against the sub-inspector of police mentioned in (a) above;
- (c) the allegations made in the representation;
- (d) if the allegations contained in the representation are correct, what action the Government intends to take in the matter?

The Honourable Mr. D. J. Boyd : (a) It is not the practice of the Punjab Government to supply names.

(b) The Deputy Inspector-General of Police received a representation against the sub-inspector in charge of the Indari police station.

(c) Allegations of corruption were made.

(d) The allegations were enquired into and found to be baseless.

SALARY BILL OF PUBLIC SERVANTS.

***3257. ✓ Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the total annual salary bill of the following classes of public servants in the province separately:—

- (a) members of which are known as imperial services including provincial services, class I;

- (b) members of provincial services ;
- (c) holders of specialist posts ;
- (d) members of clerical establishment of all grades ;
- (e) members of subordinate services ;
- (f) menial establishment ?

The Honourable Mr. D. J. Boyd : The information is being collected and will be supplied to the honourable member when ready.

INDIAN CIVIL SERVICE OFFICERS.

***3258. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the number of Indian Civil Service officers who were actually serving in the Punjab in 1912, 1918, 1925 and 1933 respectively ?

Mr. C. C. Garbett (Chief Secretary) :

1912	..	..	..	..	..	183
1918	..	..	..	..	..	98
1925	..	..	..	..	..	95
1933	..	..	..	..	..	115

The figures are for January 1st of each year quoted : and include the numbers on leave.

INDIANS IN INDIAN CIVIL SERVICE.

***3259. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the proportion of Indians in the Indian Civil Service cadre in the Punjab in 1924 and 1932 respectively ?

Mr. C. C. Garbett (Chief Secretary) :

On January 1st 1924 as 24 to 141.

On January 1st 1932 as 49 to 145.

INDIAN POLICE.

***3260. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the number of officers of the Indian Police Service who were serving in the Punjab in 1912, 1918, 1925 and 1932 respectively ?

The Honourable Mr. D. J. Boyd : A statement is laid on the table.

Statement.

Year.		Sanctioned scale.	Number of officers actually serving.	REMARKS.
1912	..	57	43	14 officers on leave or deputation.
1918	..	80	44	15 officers on military duty, 4 on deputation, 3 on leave, 14 vacancies.
1925	..	81	63	18 officers on leave or deputation.
1932	..	72	58	14 officers on leave or deputation.

NOMINATIONS TO INDIAN CIVIL SERVICE.

✓ *3261. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state the number of Punjabis nominated to the Indian Civil Service since 1921, the number of Hindus, Muslims and Sikhs among them and the number of statutory agriculturists, if any, under each group?

Mr. C. C. Garbett (Chief Secretary) :

Hindus	..	..	..	..	1
Muslims	..	..	..	..	6
Sikhs	..	..	..	..	6

Of these 3 Muslims and 3 Sikhs are statutory agriculturists.

These figures include all Punjabis allotted to the province or on probation in England.

SPECIAL PAY AND ALLOWANCES.

✓ *3262. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state the amount of (a) special pay and (b) special allowances paid to the members of the Indian Civil Service, Indian Police Service, Indian Educational Service, Indian Medical Service, Indian Service of Engineers, Indian Agricultural Service and Indian Forest Service in 1912, 1918, 1925 and 1933 respectively?

The Honourable Mr. D. J. Boyd : The Accountant-General has informed Government that it would be necessary to put a special clerk on duty for at least two months to obtain the information asked for in the question. In the circumstances the Government regret that they are unable to supply an answer.

SPECIAL PAY AND ALLOWANCES.

✓ *3263. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state the amount of (a) special pay and (b) special allowances paid to officers serving as permanent or officiating District and Sessions Judges in the Punjab in 1912, 1918, 1925, 1930 and 1933 respectively?

Mr. C. C. Garbett (Chief Secretary) : (a) Special pay. Nil.

(b) Judicial pay to appointees before 1st April 1924 Rs. 150 per mensem; appointees after that date nil,—vide Rule 7 of the Superior Civil Services Rules.

PUBLIC WORKS DEPARTMENT.

✓ *3264. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state the sanctioned number of Chief Engineers and Superintending Engineers in the two branches of Public Works Department respectively in 1912, 1924 and 1933 and the number of officers who actually drew the pay of the post of Chief Engineers and Superintending Engineers in the years stated above?

The Honourable Sir Miles Irving : The reply asked for is given in the following statement :—

Year.	Name of post.	Sanctioned number of posts.	Number of officers who drew pay of the post.	REMARKS : Period during which pay was drawn by officers other than substantive holders.
1	2	3	4	5
1912 ..	Chief Engineers..	3	4	11-5-1912 to 10-8-1912.
	Superintending Engineers.	14	17	11-8-1912 to 31-12-1912.
				1-4-1912 to 31-12-1912.
				26-11-1912 to 31-12-1912.
1924 ..	Chief Engineers..	4	6	24-3-1924 to 31-12-1924.
				10-8-1924 to 19-10-1924.
	Superintending Engineers.	19 up to 5-11-24, 18 from 6-11-24.	28	1-1-1924 to 2-11-1924.
				1-1-1924 to 14-10-1924.
				1-1-1924 to 18-10-1924.
				1-1-1924 to 31-12-1924.
				4-3-1924 to 28-10-1924.
				23-4-1924 to 20-10-1924.
				13-5-1924 to 31-12-1924.
				26-3-1924 to 26-10-1924.
				1-1-1924 to 13-10-1924.
1933 ..	Chief Engineers..	4	8	1-1-1933 to 13-2-1933.
				26-5-1933 to 2-10-1933.
				12-5-1933 to 31-12-1933.
				9-6-1933 to 29-9-1933.
	Superintending Engineers.	18	30	25-3-1933 to 25-10-1933.
				17-4-1933 to 28-10-1933.
				1-1-1933 to 31-12-1933.
				29-3-1933 to 4-11-1933.
				3-2-1933 to 16-4-1933.
				6-4-1933 to 1-12-1933.
				1-1-1933 to 24-10-1933.
				13-10-1933 to 31-12-1933.
				1-1-1933 to 31-12-1933.
				30-9-1933 to 3-12-1933.
				4-10-1933 to 31-12-1933.
				1-1-1933 to 28-2-1933.

PUBLIC WORKS DEPARTMENT.

✓*3265. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state in respect of the years 1926 to 1933 (both inclusive) the period of the year during which for each sanctioned post of Chief Engineers and Superintending Engineers in the two branches of the Public Works Department, two officers, one on leave and the other on duty, drew the pay of the post ?

The Honourable Sir Miles Irving : The information is given in the following statement :—

Year.	Name of post.	Periods during which two officers drew pay of post.
1926	Chief Engineers	26 days. 2 months and 18 days. 12 months.
	Superintending Engineers ..	7 months and 20 days. 3 months. 3 months and 8 days. 1 month and 11 days.
1927	Chief Engineers	5 months and 23 days. 1 month and 29 days. 6 months and 25 days. 6 months and 26 days.
	Superintending Engineers ..	1 month. 6 months and 28 days. 6 months and 27 days. 8 months and 1 day. 1 month and 28 days. 3 months and 17 days. 2 months. 10 months and 27 days.
1928	Chief Engineers	3 months and 26 days. 6 months and 8 days. 5 months and 29 days.
	Superintending Engineers ..	3 months and 2 days. 7 months and 21 days. 16 days. 8 months and 25 days.

Year.	Name of post.	Periods during which two officers drew pay of post.
1929	Chief Engineers Superintending Engineers ..	9 months and 11 days. 4 months and 5 days. 7 months and 5 days. 5 months and 16 days. 6 months and 19 days. 1 month and 26 days.
		8 months and 21 days.
		20 days.
		3 months and 10 days.
		7 months and 8 days.
		3 months and 20 days.
		9 months and 27 days.
		9 months and 22 days.
		2 months and 4 days.
		7 months and 1 day.
		7 months and 11 days.
		1 month and 20 days.
		4 months and 7 days.
		4 months and 3 days.
1930	Chief Engineers Superintending Engineers ..	7 months and 1 day.
		7 months and 11 days.
		1 month and 20 days.
		4 months and 7 days.
		4 months and 3 days.
		7 months and 1 day.
		7 months and 3 days.
		9 months and 13 days.
		21 days.
		6 months and 8 days.
		5 months and 3 days.
		25 days.
		2 months and 16 days.
		1 month and 13 days.
		1 month and 22 days.
		4 months and 24 days.

[The Hon. Sir Miles Irving.]

Year.	Name of post.	Periods during which two officers drew pay of post.
1931	Chief Engineers	3 months and 13 days. 5 months and 12 days. 12 months.
	Superintending Engineers ..	12 months. 5 months and 26 days. 4 months and 15 days. 3 months and 29 days. 1 month and 20 days. 6 months and 21 days. 1 month and 5 days. 4 months and 28 days. 6 months and 26 days. 6 months and 4 days. 3 months and 21 days. 9 months and 25 days. 6 months and 5 days. 1 month and 19 days.
1932	Chief Engineers	15 days. 27 days. 8 months and 25 days. 6 months and 2 days. 2 months and 2 days. 2 months and 8 days. 12 months.
	Superintending Engineers ..	6 months and 29 days. 1 month and 13 days. 4 months and 7 days. 7 months and 20 days. 3 months and 21 days. 2 months and 28 days. 7 months and 1 day. 6 months and 12 days. 10 months. 7 months and 7 days. 2 months and 14 days. 7 months and 7 days. 9 months and 24 days. 2 months and 19 days. 12 months. 2 months and 4 days.
1933	Chief Engineers	
	Superintending Engineers ..	

INDIANS IN IMPERIAL SERVICES.

***3266. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the number of Indians in the various Imperial Services in the Punjab who receive overseas pay and are entitled to free passage to England like officers of European domicile?

The Honourable Mr. D. J. Boyd : The number of Indians in the various Imperial Services in the Punjab who are in receipt of overseas pay is shown in the Civil List. All those in receipt of overseas pay are entitled to passage concessions.

LEAVE RULES.

✓ *3267. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state whether the Punjab Government has ever represented to the Government of India or the Secretary of State for India that the rules of leave are too liberal and require to be modified?

The Honourable Mr. D. J. Boyd : Yes.

REVISION OF SCALE OF PAY.

✓ *3268. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state whether the scale of pay of the various provincial, subordinate and specialist services has been finally settled by Government, and if so, why it has not been announced; and if not, the reasons for delay in the settlement of this question?

The Honourable Mr. D. J. Boyd : Definite proposals are now before Government and a decision will be reached in the near future.

SUB-JUDGES.

✓ *3269. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state—

- (a) the sanctioned number of posts in the cadre of sub-judges;
- (b) the number of sub-judges who were selected for appointment as a result of the examination held in 1982;
- (c) whether the candidates referred to in (b) have been absorbed into the cadre, and if not, how many of them remained unemployed up to the end of March 1984;
- (d) how many sub-judges are due to retire in 1984;
- (e) why no examination was held in 1983;
- (f) why an examination was held in March 1984;
- (g) if any of the candidates referred to in (b) still remained unprovided for, the reasons which necessitated the holding of an examination at an unusual time of the year;
- (h) how many candidates have been recommended by the High Court for selection as sub-judges;
- (i) whether before the holding of an examination in March 1984, had been decided upon any correspondence passed between the High Court and the Government;
- (j) the number of sub-judges for whose selection the examination has been originally proposed by the High Court;
- (k) the number of candidates who have been recommended by the High Court for appointment who are not highest on the list of successful candidates;
- (l) the exact position on the list of successful candidates of those referred to in (k) and how many of them are Hindus, Muslims and Sikhs and how many statutory agriculturists of each denomination?

The Honourable Mr. D. J. Boyd : (a) 165 permanent and 5 temporary ;

(b) Eleven ;

(c) (i) No ;

(ii) The whole eleven ;

(d) Two ;

(e) In previous years the decision to hold an examination used to be announced either in May or June but as in May 1933 the number of candidates on the waiting list was 21 it was not considered necessary to hold an examination in November 1933 ;

(f) and (g) The honourable member is referred to the reply given to question No. 744¹ put by Chaudhri Muhammad Abdul Rahman Khan in the last session of the Council ;

(h) Eleven ;

(i) Yes ;

(j) No number was stated ;

(k) Four ;

(l) Their respective positions in order of merit are 30,36, 40 and 61. The first three are Muslims and the last an Indian Christian. Only one of the candidates selected is a statutory zamindar ; he is a Muslim. As has frequently been pointed out the rules governing this examination, by which not less than 50 per cent. of the appointments excluding Christians, are reserved for zamindars, do not take account of the category " statutory agriculturists ".

VACANCIES IN CIVIL SECRETARIAT.

✓*3270. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Hon'ble Member for Finance kindly state whether it is customary to advertise the vacancies which are expected to occur in the Punjab Civil Secretariat ; if not, what steps, if any, are taken to call for applications from mofussil candidates ?

✓*3271. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Finance Member kindly state the procedure adopted for entering the names of candidates on the approved list of the Punjab Civil Secretariat, and the steps, if any, adopted for informing mofussil candidates of the vacancies which are expected to occur in the list ?

The Honourable Mr. D. J. Boyd : With your permission, Sir, I shall answer both the questions together.

Recruitment is made once a year ; usually in January but this year in April, as the acting Chief Secretary preferred to leave a decision to the more permanent incumbent. Necessary qualifications are family services, adequate education and good address.

No advertisement has been found necessary. This year there were 204 applications, each of which Chief Secretary considered himself. The greater portion were from the mofussil.

Applications are received direct, and are addressed to the Chief Secretary or to the Assistant Secretary. Chief Secretary may make a preliminary scrutiny and then call for interview those whose paper qualifications appear to him best.

STATUTORY AGRICULTURISTS IN FINANCIAL COMMISSIONERS' OFFICE.

✓*3272. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state (a) whether it is a fact that the Financial Commissioners are concerned mostly with revenue and agricultural matters ; and (b) if so, whether it is a fact that the proportion of statutory agriculturists in their office is inadequate and, (c) whether, the Financial Commissioners intend to strengthen the element of statutory agriculturists in their office ?

The Honourable Sir Miles Irving : (a) Yes.

(b) No standard of adequacy has been prescribed.

(c) The matter will receive attention.

✓JAT INSPECTORS OR SUB-INSPECTORS OF EXCISE, AMBALA DIVISION.

*3273. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Minister for Agriculture kindly state whether there is any Hindu Jat among the inspectors or sub-inspectors of excise serving in the Ambala division ?

The Honourable Sardar Sir Jogendra Singh : None.

ZILLADAR CANDIDATES.

✓*3274. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state whether there are any instructions to superintending engineers to send up the names of zilladar candidates in certain specified communal proportions, and if so, whether it is a fact that the superintending engineers from various circles send up the names of candidates in more or less uniform proportions irrespective of the proportion in which various communities are represented in the population of those circles ?

The Honourable Sir Miles Irving : No such instructions as referred to in the question have been issued. Superintending engineers are ordinarily limited to two nominations per annum. They interview the applicants and recommend those they consider most suitable for the post of zilladar.

✓ZILLADAR CANDIDATES.

*3275. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state whether there are any instructions to superintending engineers that they should send up the names of agriculturists and non-agriculturists in certain specified proportions for the post of zilladar ?

The Honourable Sir Miles Irving : There are no such instructions.

Outsider candidates must belong to the agricultural classes, or have hereditary connection with landed property, unless their immediate progenitors have been, or are, in Government employ, and have rendered service worthy of recognition. (Irrigation Manual of Orders, Article 1·3, paragraph III (a)).

In the case of Departmental munshi candidates preference is given to agriculturists. (Irrigation Manual of Orders, Article 1·3, paragraph II (ii)).

Departmental clerks and subordinates are only rarely appointed and need not be agriculturists. (Irrigation Manual of Orders, Article 1·3, paragraph II (i) and (iii)).

ZILLADAR CANDIDATES.

✓*3276. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state the number of Hindu, Muslim and Sikh candidates respectively whose names were sent up for the post of zilladar by the Superintending Engineer of Delhi in the various years from 1924 to 1934 (both inclusive) and the proportion of Hindus, Muslims and Sikhs in the population residing in the circles ?

The Honourable Sir Miles Irving : Government considers it against the public interest to publish the recommendations made by subordinate officers.

ZILLADARS.

✓*3277. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state the total number of zilladars recruited by direct appointment since 1924, the number of Hindus, Muslims and Sikhs among them and the number of statutory agriculturists of each denomination ?

The Honourable Sir Miles Irving :

Total number of zilladars recruited by direct appointment
since 1924 :—

Number of Hindus, Muslims and Sikhs :—

Hindus	..	..	..	..	30
Muslims	..	..	..	..	53
Sikhs	..	..	..	..	28

Number of statutory agriculturists of each denomination :—

Hindus	..	..	..	..	11
Muslims	..	..	..	..	44
Sikhs	..	..	..	..	16

NAL-CHAH IN SONEPAT AND JHAJJAR TAHSILS.

*3278. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state the number of irrigation wells which have ceased to be used as such or have become unserviceable for the purpose of irrigation since 1924 or 1925 in the tahsils of Sonapat and Jhajjar (district Rohtak) and the number of those of them on which the amount of *nal-chah* has not been remitted, as also the total amount of *nal-chah* realized in respect of these wells during the period of desuetude?

The Honourable Sir Miles Irving : It is regretted that the reply to this question is not ready as reports of local officers have not been received. It will be communicated to the honourable member as soon as it is ready.

DRAIN IN ROHTAK.

*3279. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state—

- (a) the number of drains which pass through the district of Rohtak;
- (b) whether these drains are expected to be maintained by the Irrigation Department;
- (c) the amount of money which has been spent on the maintenance of these drains during the last five years?

The Honourable Sir Miles Irving : (a) 26.

(b) Yes.

(c) Rs. 2,98,289 during 5 years ending September 1933.

DRAIN NEAR ASAUDAH.

*3280. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state—

- (a) the name of the drain which passes by the village of Asaudah in the tahsil of Jhajjar (Rohtak district);
- (b) what is the length of this drain in the Rohtak district and what is the number of bridges over it to enable the inhabitants, cattle and carts of the villages in the neighbourhood to cross the drain;
- (c) the amount of money spent on the maintenance of this drain during the last five years;
- (d) how long this drain continued to flow as a result of the floods in September 1933;
- (e) when the portion of this drain in the proximity of Asaudah dried;
- (f) whether it is a fact that during the last winter a portion of the water flowing through it was diverted to fill a tank just outside the *abadi* of Bahadurgarh and proceedings were started by the Irrigation Department with a view to charging some sort of a penalty;

[R. B. Ch. Chhotu Ram.]

- (g) whether it is a fact that owing to the lack of any means of crossing this drain all the sugarcane presses of Asaudah had, contrary to the practice of previous years, to be set up across the drain away from the village ;
- (h) whether it is a fact that the inhabitants of Asaudah represented their grievances, both in writing and verbally, to the officers of Irrigation Department and that no action has so far been taken to remove these grievances ?

The Honourable Sir Miles Irving : (a) West Jua.

(b) The length is 32·8 miles and 7 bridges are provided.

(c) Rs. 84,907.

(d) 12 days.

(e) By 16th October.

(f) No.

(g) Government has no information.

(h) Yes. The reply given them by the Superintending Engineer was that a bridge could be provided only at the cost of the villagers themselves, or district funds.

DAMAGE TO CROPS IN ROHTAK.

✓ 3281. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state—

- (a) whether it is a fact that *sarson* was seriously damaged by frost in the Rohtak district, and that the yield per acre of both wheat and gram is expected to be much below the average ;
- (b) the price per maund of wheat and gram on the 15th May, 30th May and 15th June of 1934, respectively in the *mandis* of Rohtak, Bahadurgarh, Sonapat and Gohana ;
- (c) whether it is proposed to realize the arrears of land revenue in the district of Rohtak ?

The Honourable Sir Miles Irving : (a) *Sarson* which is generally used for fodder, was used as such in spite of the damage by frost. The yield of wheat was about average and of gram much above the average.

(b) The statement is laid on the table.

(c) To the extent that the circumstances of each individual village justify it under the rules.

Statement.

	15TH MAY.		30TH MAY.		15TH JUNE.	
	Gram.	Wheat.	Gram.	Wheat.	Gram.	Wheat.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Rohtak Mandi ..	1 10 8	2 12 0	1 9 7	2 6 3	1 9 0	2 9 0
Bahadurgarh Mandi	1 10 3	2 8 0 and 2 3 6	1 10 0	2 3 6 to 2 8 0	1 9 0	2 5 8
Gohana Mandi ..	1 8 9	2 3 6	1 8 0	2 3 6	1 6 10	2 3 7
Sonepat Mandi ..	1 13 6	2 8 0	1 9 0	2 6 0	1 8 5	2 5 8 to 2 9 3

CROPS IN CHAK NO. 681/22. RAM NAGAR.

✓ 3282. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state in respect of Chak No. 681/22 Ram Nagar, Pir Mahal, in the Lyallpur district :—

- the amount of land comprised in the chak ;
- the amount of land put under crop in *kharif* and *rabi* of 1931-32, 1932-33 and 1933-34 ;
- the proportion of crops referred to in (b) which matured ;
- the intensity of irrigation permissible in the chak ?

The Honourable Sir Miles Irving : (a), (b), (c) and (d). A statement giving the information required is laid on the table.

[The Hon. Sir Miles Irving.]

Statement.
CHAK No. 681-G. B.

Serial No.	Year.	Harvest.	AREA ALLOTTED.				AREA SOWN.			AREA MATURED.			Percentage of matured on sown area.	Intensity of irrigation.
			Culturable commanded area.	Permanently allotted.	On temporary cultivation area.	Total.	On permanently allotted area.	On temporary cultivation area.	Total.	On permanently allotted area.	On temporary cultivation area.	Total.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	1931-32 ..	Kharif 1931 ..	1,723	1,169	..	1,169	270	..	270	269	..	269	99	75 per cent., e.g., 50 per cent. for Rabi and 25 per cent. for Kharif.
		Rabi 1932 ..	1,723	1,169	395	1,564	454	103	557	452	99	551	99	
2	1932-33 ..	Kharif 1932 ..	1,723	1,198	451	1,649	299	102	401	298	99	397	99	
		Rabi 1933 ..	1,723	1,231	312	1,593	470	69	539	435	59	494	92	
3	1933-34 ..	Kharif 1933 ..	1,723	1,431	149	1,630	395	26	421	382	23	385	91	
		Rabi 1934 ..	1,723	1,431	149	1,630	559	28	587	550	28	578	98	

MALIKANA IN PIR MAHAL EXTENSION.

✓*3283. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state in respect of the Pir Mahal extension—

- (a) the rate of *malikana* per acre ;
- (b) whether the *malikana* is charged on the whole land allotted to grantees or on the area sown and matured ;
- (c) what is the practice in respect of (a) and (b) in other colonies ;
- (d) whether *malikana* in respect of *kharif* last was realized on the old scale or on a reduced scale which, as the Financial Commissioner (Development) indicated during the budget session, was to be introduced almost immediately ?

The Honourable Sir Miles Irving : (a) to (c) The information asked for has already been supplied in reply to question No. 2976¹ (starred) put by the honourable member in the last session of the Council.

(d) No. Government have, however, decided to charge *malikana* on all grants in the Extension at sanctioned rates per acre matured (instead of per acre allotted), during the *rabi* and *kharif* harvests of 1934.

SITES FOR PIR MAHAL MANDI.

✓*3284. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state—

- (a) when it is expected to auction sites for the Pir Mahal mandi ;
- (b) whether any provision has been made in the budget to metal the road which passes by Pir Mahal and leads to Multan ?

The Honourable Sir Miles Irving : (a) No date has yet been fixed. The auction may take place this summer.

(b) No, but proposals for the construction of some unmetalled roads to provide marketing facilities in connection with the proposed mandi, are under consideration.

LAND OWNERS AS CRIMINAL TRIBES IN ROHTAK DISTRICT.

✓*3285. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state—

- (a) whether it is a fact that from 20 to 80 landowners in the Rohtak district were declared to be members of criminal tribes in September, 1932 ;
- (b) whether it is a fact that most of them had no conviction to their discredit, and had never even been bound down under section 110 of the Criminal Procedure Code ;
- (c) whether in view of the hurried manner in which these men had to be declared members of criminal tribes, Government is prepared to consider the advisability of exonerating them from the operation of this declaration ?

The Honourable Sir Miles Irving : (a) Yes, 27 men were so declared. 10 of them owned no land.

(b) Yes, but they were believed to be addicted to the systematic commission of non-bailable offences, and to be prominent members of a gang which was responsible for a wave of serious dacoities and robberies during the year 1930-31.

(c) The record of each individual was carefully investigated and his complicity in the offences of the gang established beyond reasonable doubt, and Government does not admit that there was any undue hurry in the notification which requires its revision. The men will be released from restriction when this can be done with due regard to the peace of the district and to the signs of reformation exhibited by them.

SUPERINTENDENT, DISPENSARY, MAYO HOSPITAL, LAHORE.

***3286. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Education kindly state—

- (a) whether it is a fact that the present Superintendent, Dispensary, Mayo Hospital, Lahore, has been working at his present post for the last ten years or so ;
- (b) whether it is a fact that the period of stay at one particular station of a Government officer is ordinarily three years or five years under special circumstances ;
- (c) whether it is a fact that the said Superintendent agreed to forego his right of being appointed as civil surgeon in favour of his present job at Lahore a short time back ;
- (d) whether Government is aware that he has invested in Lahore thousands of rupees on simple interest of Rs. 1-2-0 with right of compound interest, and that a number of cases in regard to the same are pending in the courts of various sub-judges in Lahore ;
- (e) whether he has acquired any immovable property during the last ten years ; if so, whether he informed the Government as required under Government Servants' Conduct Rules ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) The rule that assistant surgeons should not hold charge of any one hospital or dispensary for more than five years applies only to assistant surgeons in independent charge of mufassil hospitals and dispensaries. It is not applicable to the case in question.

(c) Yes.

(d) The surgeon named lent a sum of Rs. 20,000 in 1926 to a gentleman in Lahore on the terms indicated, the loan being secured on house property in Lahore. The amount was increased in 1929 by a further Rs. 30,000 on similar terms (simple interest). In August 1932 the surgeon filed a suit in the civil court for the recovery of the sum in question and secured a decree. Government have no information regarding any other civil court cases in which this surgeon is or has been concerned. The officer concerned is being asked to give a statement of his loan transactions.

(e) No.

MUNICIPAL EXECUTIVE OFFICERS.

*3287. ✓ **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) the names of municipalities where friction between the executive officer on the one hand and the president, vice-president or members on the other has already occurred ;
- (b) the number of instances in which executive officers originally appointed have been recalled or transferred or discharged ?

The Honourable Dr. Gokul Chand Narang : (a) The word " friction " used in the present question is a somewhat indefinite term. There have been occasions in some municipalities where differences of opinion have occurred between executive officers and elected office bearers or members, but there have been no cases in which Government have been constrained to take notice of such disagreements except Sialkot and Multan.

(b) (i) The official originally appointed as executive officer in the Sialkot Municipality was permitted to resign in November 1933.

(ii) The original executive officer in the Rupar Municipality left that office in August 1933 on his appointment in a similar capacity at Kasur.

DISTRICT BOARD, ROHTAK.

*3288. ✓ **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that a sum of Rs. 4,000 or 5,000 was contributed by the District Board of Rohtak for the construction of a bridge over the railway line in the station yard at Rohtak ;
- (b) whether it is a fact that a sum of Rs. 3,000 or 4,000 was contributed by the District Board of Rohtak for the purchase of a motor lorry to be used to convey girls to and from the girls school situated within the municipal limits of Rohtak ;
- (c) whether it is a fact that about Rs. 3,000 was spent by the district board of Rohtak for the erection of a pavilion meant for use on rent by a club to which gazetted officers and a few favoured non-officials alone are admitted ;
- (d) the dates on which the items of expenditure referred to in (a), (b) and (c) were sanctioned ;
- (e) whether on the dates referred to in (d) the district board has an official chairman ?

The Honourable Dr. Gokul Chand Narang : (a) Yes. The sum in question was Rs. 4,000.

(b) Rs. 2,000 were given by the Board for the purchase of a lorry in the interest of the girls of the neighbouring villages.

(c) The question doubtless refers to the construction of a pavilion in the Queen's Gardens, on which the Board spent a sum of Rs. 2,960. The Club which uses the pavilion has as its members both gazetted officers and non-official gentlemen of similar status, the election of membership being by ballot. Rent is charged by the Board from the Club for the use of the pavilion.

[The Hon. Dr. Gokul Chand Narang.]

(d) the dates are as under :—

- (a) 25-5-1928 ;
- (b) 21-8-1931 ; and
- (c) 28-2-1928.

(e) Yes.

KHARIF CROPS.

*3289. **Rao Bahadur Chaudhri Chhotu Ram** : With reference to question No. 2922¹ asked on the 5th March, 1934, and the answer thereto, will the Honourable Member for Revenue kindly state whether Government has any objection to placing on the table of the House a copy of the instructions issued for the use of tahsildars and revenue assistants ; if it has, what are the grounds of that objection ; if it has not, whether it will comply with the suggestion ?

The Honourable Sir Miles Irving : A copy of the instructions is laid on the table.

INSTRUCTIONS.

In view of widespread and exceptional nature of calamity and general losses suffered by people in Rohtak, Gurgaon and Karnal Government has sanctioned the following special scale of remissions of land revenue in these districts :—

Where crop is less than eight annas total remission, where crop is greater than eight annas but less than twelve annas one half remission, where crop is more than twelve annas no remission. In order to give opportunity to people to recover, even where land revenue is payable under above proposal Collector should be given discretion to suspend it if he is satisfied that this is desirable having regard to general condition of revenue payers.

As regards *abiana* Government has sanctioned total remissions on *jowar*, *bajra*, *moth* and fodder crops but levies *abiana* on sugarcane, rice and cotton with same scale remissions as for land revenue.

Please refer to my memorandum of 10th October, 1933, on the subject of remission in Rohtak, Gurgaon and Karnal. Village statements for these remissions will be prepared in the usual form A on account of losses due to ordinary calamity given in paragraph 10 of Standing Order No. 30, the principal information required being that given in column 5, in which acres of crops harvested and crops failed should be given :—

- (a) for the valuable crops, sugarcane, cotton and rice and any other special valuable crop ; and
- (b) for the less valuable crops, such as *jowar* and *bajra*. In considering whether the standard of eight annas or twelve annas has been attained special regard should be paid to the valuable crops and these should not be regarded as equal, acre for acre, to the less valuable crops, that is to say, even if the whole acreage of all crops shows less than eight annas failed, total remission will be given if the failure of the valuable crops justifies it and conversely total remission need not be given if there is a failure over all crops of eight annas and a large proportion of the valuable crops has been matured. The decision as to remissions in each case will be made by the Commissioner who will report the results as a whole by district to the Financial Commissioner, without the village statements, for formal sanction.

2. It is necessary to guard against the usual practice by which when a field of *jowar* is sown and the whole of the seed is lost, but the stalks remain, the field is shown as *chari* without *kharaba*. After making proper allowance for the loss of the seed and for the fact that *jowar* is not sown so thickly as *chari* such a field should be given not less than half the *kharaba*, apart from any allowance made to the inferior quality of the fodder.

3. It must not be assumed that when a field of *bajra* or *jowar* has been cut before the *girdawari* it is all matured. The condition of the crop can be estimated partly by examining the stalks of cut crops on the spot and partly by estimating the quality of crops in adjoining fields.

4. Particular care will have to be paid to the *girdawari* of cotton.

5. As regards the remission of *abiana* on the Western Jamna I have ascertained that this will be automatic on *jowar*, *bajra*, *moh* and fodder crops but it will be levied on sugarcane, rice and cotton with the same scale of remission as for land revenue by field to field *kharaba*.

Copy of a circular memorandum No. 678, dated 8rd November, 1938, from the Commissioner, Ambala division, to the Deputy Commissioners, Karnal, Gurgaon and Rohtak.

It appears to me to be necessary, though it is somewhat late, to point out that officers supervising the *girdawari* should not let their minds be influenced by any idea of the subsequent remissions. With regard to the *girdawari* the first and foremost duty is to see that the record is correctly prepared and it follows that no body is justified in arriving at his conclusion with regard to *kharaba* if he has in mind all the time the effect that the recording of the *kharaba* will have on the subsequent remissions.

When village statements in the usual form A are prepared special care has to be taken that the figures relating to *kharaba* are not mis-interpreted. In the first place the *kharif* crop always has a fairly large *kharaba* and allowance should be made for the normal *kharaba*. Secondly the more valuable crops such as cotton and sugarcane should from the rental point of view be regarded as very nearly three times the less valuable crops such as *jowar*. If, for instance, a village has 100 acres matured cotton and 200 acres of *jowar* it may roughly be estimated that it has really nearly 500 acres of *jowar*. As the *kharaba* is likely to be mostly in *jowar*, *bajra* and other such crops the *kharaba* and the matured acreage should be reduced to the same denomination as shown below :—

	Acres.
Cotton area failed	10
<i>Jowar, bajra, etc.,</i> area failed	70

This is roughly equivalent to 10×3 , i.e., 30 + 70 i.e., 100 acres in all. If the matured figures given above are now compared with the failed figures we find that in this particular village 500 acres of *jowar* are matured and only 100 acres have failed. Making allowance for normal *kharif* crop it is obvious that the crop in the village is certainly above 12 annas in this particular case. This instance only is a very rough guide and must not be followed slavishly. It is possible that in some places the rough rental value of an acre of cotton may be equal only to the rental value of two acres of *jowar* instead of three acres of *jowar*. Similarly the rough rental value of sugarcane may be four or five times the rough rental value of an acre of *jowar*. The word rental value is used here intentionally and no reference is made to prices because the landlord pays his revenue out of rent that he receives. It is desirable not to mix up this question with the question of current prices. Low prices are a separate factor altogether.

It is possible that in some villages the area matured even in the present *kharif* may be roughly equivalent to the settlement cropping on which the permanent fixed assessment was based and yet there may be a very heavy *kharaba*. As for instance if the settlement cropping for a village is 50 acres of *jowar, bajra, etc.*, and we now also have 30 acres matured of cotton, 50 acres matured nearly of sugarcane and 300 acres of *jowar, bajra, etc.*, but in addition a failure of 30 acres of cotton, 30 acres of sugarcane and 200 acres of *jowar, bajra, etc.*, we cannot refuse to consider the question of remissions merely because the matured area is nearly equal to the settlement cropped area on which the assessment was based. Where *kharaba* is large because the sowings were abnormally extensive some consideration has to be paid to the heavy losses of seed and labour which the failure of each area entails.

The above instructions are given only for the use of tahsildars and the revenue assistant when recording their notes on Form A and should not be communicated to patwaris. It should be clearly understood that these instructions are for this particular year only merely to guide people towards their arriving at a fair estimate of the condition in a village. It has got nothing to do with the field to field recording of crops matured and failed.

KHARABA.

✓3290. Rao Bahadur Chaudhri Chhotu Ram : With reference to question No. 2928¹ asked on the 5th March, 1934, and the answer thereto, will the Honourable Member for Revenue kindly place on the table of the

[R. B. Oh. Chhotu Ram.]

House a copy of the instructions issued by the Commissioner to revenue officers in the Rohtak district as also a statement showing the amount of land revenue (a) suspended and (b) remitted during the three preceding harvests the average of the *kharaba* of which was directed to be taken as an indication of "what is usual" together with a similar statement for any three consecutive harvests during which remissions and suspensions of a similar character were allowed within living memory?

The Honourable Sir Miles Irving : For the instructions issued by the Commissioner, the attention of the honourable member is invited to the answer given to starred Council question No. 8289.¹

The following amounts were suspended and remitted during the three preceding harvests —

Harvest.	Suspended.	Remitted out of Suspended revenue.
	Rs.	Rs.
<i>Kharif</i> 1932	73,093	2,85,070
<i>Kharif</i> 1931 .. .. .	..	83,282
<i>Kharif</i> 1930	78,024	67,092

Suspensions and remissions on such a liberal scale were never before given during the last eight years and Government consider that an examination of the figures beyond this period would entail an amount of labour not commensurate with the result to be gained.

✓ GRANT TO DISTRICT BOARD, ROHTAK TOWARDS FLOOD DAMAGE.

*3291. **Rao Bahadur Chaudhri Chhotu Ram :** With reference to starred question No. 2928² asked on the 5th March, 1934, and the answer thereto, will the Honourable Minister for Local Self-Government kindly state—

- whether Government has so far contributed anything, and if so, what amount, towards the damage of roughly Rs. 1,65,000 suffered by the Rohtak District Board roads and buildings during the floods of September, 1933;
- the date on which the District Board of Rohtak made an application for a cent. per cent. grant for repairing this damage;
- the date on which this application was received by the deputy commissioner;
- the dates on which reminders, if any, from the District Board were received by the Deputy Commissioner;
- the date on which this application was forwarded by the Deputy Commissioner to the Commissioner;

¹Page 38 ante

²Volume XXIV, pages 473-74.

- (f) the date on which the Commissioner forwarded this application to the local Government ;
- (g) the dates on which the receipt of the original application and reminders (if any) was acknowledged by the Deputy Commissioner ;
- (h) whether it is a fact that the Deputy Commissioner is also the chairman of the District Board of Rohtak ?

The Honourable Dr. Gokul Chand Narang : (a) No.

(b) An application was made by the board on the 14th February 1934 for a cent. per cent. grant of Rs. 76,200 towards the cost of raising low-lying portions of certain metalled roads. The application will be considered by the Communications Board in November next.

There has been no regular application by the Rohtak board for a grant-in-aid on account of damage done to buildings.

- (c) The 14th February 1934.
- (d) No reminders were received by the Deputy Commissioner from the Board.
- (e) On the 20th February 1934.
- (f) The 5th March 1934.
- (g) No reminders were received by the Deputy Commissioner from the Board, nor were any formal acknowledgments made by him.
- (h) Yes.

SUSPENSION OF LAND REVENUE IN ROHTAK DISTRICT.

✓ ***3292. Rao Bahadur Chaudhri Chhotu Ram :** With reference to question No. 2698¹ asked on the 20th February, 1934, and the answer thereto, will the Honourable Member for Revenue kindly state—

- (a) how the total amount under suspension was ascertained or calculated ;
- (b) whether it is not a fact that in calculating the total amount under suspension the amount under suspension in individual villages was gone into and totalled up ;
- (c) if the suggestion contained in (b) is correct what extra work is involved in the preparation of a list of those villages ?

The Honourable Sir Miles Irving : (a) The total amount under suspension was ascertained from the *hal tauzi* of the Rohtak district for the month of August, 1933.

- (b) Yes.
- (c) The extra work involved would consist in a scrutiny *de novo* of all the village statements of the district.

SUSPENSION OF LAND REVENUE.

✓*3293. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state in respect of Rohtak, Hissar, Gurgaon and Karnal districts separately—

- (a) the amount of land revenue which at the end of January, 1934, had been under suspension for more than (i) three harvests, (ii) four harvests, (iii) five harvests, and (iv) six harvests, and not remitted ;
- (b) whether any portion of the amount referred to in (a) has been remitted since the end of January last ; and, if so, how much ?

The Honourable Sir Miles Irving : A statement giving the required information is laid on the table.

Suspension of Land Revenue.

District.	(a)				(b)
	AMOUNT OF LAND REVENUE WHICH AT THE END OF JANUARY, 1934, HAD BEEN UNDER SUSPENSION FOR MORE THAN—				Amount remitted out of (a) since the end of January, 1934.
	Three harvests.	Four harvests.	Five harvests.	Six harvests.	
	Rs.	Rs.	Rs.	Rs.	Rs.
Hissar	3,13,132	2,15,794	1,68,359	94,543	2,91,945
Rohtak	1,92,503	..	..	..	..
Gurgaon	3,08,023	30,083	6,807	3,365	..
Karnal	56,216	5,313	4,750	..	..

SUSPENSION OF LAND REVENUE.

✓*3294. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state whether there is any limit of time after which suspended land revenue will be regarded as remitted automatically ?

The Honourable Sir Miles Irving : No. The rules for the remission of suspended land revenue are to be found in Land Administration Manual, paragraph 576.

✓ SUSPENSION OF LAND REVENUE IN HISSAR DISTRICT.

*3295. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state in respect of the Hissar district the longest period during which the land revenue of an estate has remained under suspension without being remitted ?

The Honourable Sir Miles Irving : The longest period during which the land revenue of any estate now under suspension has remained under suspension without being remitted relates to *rabi* 1932.

✓ INSPECTION FEE OF PATWARIS' RECORDS.

*3296. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state whether the abolition of the inspection fee of patwaris' records has been given effect to ?

The Honourable Sir Miles Irving : No. The question is under the consideration of Government.

✓ MALIKANA.

*3297. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state whether or not the practice of charging *malikana* at the rate of Rs. 3 per acre on all allotted area in certain portions of the Lyallpur district has now been replaced by the practice of charging *malikana* at lower rates on matured area only ?

The Honourable Sir Miles Irving : *Malikana* at Rs. 3 per acre allotted is charged on civil non-official reward grants, including village headmen in reward grants chaks, in the Pir Mahal and Khikhi Extensions of the Lower Chenab Canal, Lyallpur district.

On account of present low prices of agricultural produce, Government have decided to charge *malikana* at this rate on matured area during the *rabi* and *kharif* harvests of 1934.

✓ FLOOD RELIEF.

*3298. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state separately for each of the four districts of Rohtak, Hissar, Gurgaon and Karnal—

- (a) the total amount of relief given by or through Government in the form of (i) gratuitous relief, (ii) remission of revenue (iii) suspension of revenue, (iv) remission of *abiana* and (v) *taqavi* to mitigate the hardship caused by the floods of 1933 ;

- (b) the amount of suspended revenue which Government proposes to collect during *rabi* 1934 ?

The Honourable Sir Miles Irving : A statement is laid on the table.

District.	(a)					(b)
	(i)	(ii)	(iii)	(iv)	(v)	
	Gratuitous relief.	Remission of revenue.	Suspension of revenue.	Remission of abiana.	Taqavi.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Rohtak	38,712	4,64,154	75,850	2,62,261	1,52,795	2,69,072
Hissar	The heavy rains that caused floods in the neighbouring districts during autumn 1933 did comparatively small damage in the Hissar district. No gratuitous relief was, therefore, given. Remissions and suspensions of land revenue were allowed and <i>taqavi</i> was granted under the ordinary rules, but it is not possible to state what proportion of this relief related to the few villages that suffered from floods.			46,521	..	2,02,727
Gurgaon	47,267	7,87,586	22,149	28,723	4,60,000	7,217
Karnal	51,685	3,18,990	1,137	2,12,200	45,510	41,510

TAQAVI IN SONEPAT.

***3299. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state the number of wells constructed with the help of *taqavi* money in Sonapat tahsil of Rohtak which have been destroyed by the floods of 1933 ; and whether Government intends to write off the *taqavi* loans incurred for these wells ?

The Honourable Sir Miles Irving : No wells constructed with the aid of *taqavi* were destroyed by the floods of 1933. The question of remission of the *taqavi* loans does not, therefore, arise.

GOHANA HOSPITAL.

***3300. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- whether the Municipal Committee of Gohana was unable to maintain its hospital ;
- whether this hospital was taken over temporarily by the District Board of Rohtak ;
- whether the District Board of Rohtak has passed a resolution that it is no longer willing or able to maintain this hospital ;
- when Government intends to provincialise this hospital ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) Yes.

(c) Government has not yet received a copy of any such resolution.

(d) There are no prospects of the early provincialization of this hospital, financial stringency having necessitated the suspension for the time being of the provincialization programme.

✓
GRANTS-IN-AID.

***3301. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

(a) the total number of private schools which are in receipt of a Government grant-in-aid ;

(b) the total number of anglo-vernacular middle and high schools maintained by local bodies ;

(c) the number of the schools referred to in (b) which are on the grant-in-aid list ;

(d) the number of schools of the type mentioned in (b) maintained by the District Board of Rohtak ;

(e) whether the schools mentioned in (d) are in receipt of a grant ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to the printed statement of grants sanctioned from provincial revenues for the privately managed and board anglo-vernacular secondary schools in the Punjab during 1928-29 to 1932-33 which has been supplied to him and the annual list of secondary schools (Indian) recognized by the Education Department, a copy of which is placed in the Council Library. It may, however, be added for the honourable member's information that no new school has been brought on the grant-in-aid list since 1930.

REMISSIONS.

***3302. Sardar Bishan Singh :** Will the Honourable Revenue Member please state—

(a) whether it is a fact that a uniform water rate is being charged for wheat, barley and javi ;

(b) whether Government has given a remission of Re. 1 per acre for wheat only ;

(c) whether the water rate is usually assessed on the market value of the crop and the amount of watering necessary to mature it ;

(d) if so, whether Government has taken into consideration the fact that as crops barley and javi are inferior to wheat, fetch lower prices and take comparatively fewer waterings to mature ;

(e) whether after the new *abiana* remission sanctioned for wheat, a higher water rate is now being charged for barley and javi ;

(f) what action the Government proposes to rectify this mistake ?

The Honourable Sir Miles Irving : (a) Yes. The same occupiers' rate was charged for wheat, barley and oats on the same canal before the recent reduction in occupiers' rates for certain crops.

(b) The reduction in occupiers' rate for wheat sanctioned recently is as below :—

				Rs.	A.	P.
(1) Perennial	..	..	..	1	0	0
(2) <i>Kharif</i> channels	..	..	..	0	12	0
(3) Non-perennial	..	..	..	0	4	0

(c) No. These are not the only factors taken into account when fixing occupiers' rates.

(d) Does not arise.

(e) Yes.

(f) Wheat was specially selected for reduction in *abiana* in order to benefit the largest number of cultivators.

MUSLIM STUDENTS IN CENTRAL MODEL SCHOOL, LAHORE.

***3303. Mr. Muhammad Din Malak :** Will the Honourable Minister for Education please state if it is a fact that the number of Muslim students in the Central Model School, Lahore, is proportionately low ; if so, whether Government propose to take steps for facilitating the admission of Muslim students to that school ?

The Honourable Malik Sir Firoz Khan Noon : No. Muslim students form about 46 per cent. of the total enrolment of the school.

PRIVATE TUITIONS.

***3304. Mr. Muhammad Din Malak :** Will the Honourable Minister for Education please state the rules, if any, under which teachers in Government schools may engage in giving private tuitions—

(a) to the students of their own classes ;

(b) to the students of their own schools ;

(c) to the students of other schools or to private students ?

The Honourable Malik Sir Firoz Khan Noon : A copy of Punjab Government (Ministry of Education) C. M. letter No. 5426-E., dated the 16th April, 1923, giving the requisite information is laid on the table.

Copy of Punjab Government (Ministry of Education) C. M. No. 5426-E., dated the 16th April, 1923, from the Under-Secretary to Government Punjab, to all Inspectors, Inspectresses and Heads of Government Educational Institutions in the Punjab.

I AM to refer you to Mr. Bell's circular No. 27-G-1739-G, dated September 8th, 1906, on the subject of private tuition in Government institutions by Government servants. In that circular it was laid down that applications for sanction to the giving of private tuition should be forwarded to the Head of the Department for disposal.

2. In No. 163 of the Handbook of Circulars it was later stated that applications regarding fees up to the limit of Rs. 100 should be disposed of by Inspectors.

3. The Punjab Government (Ministry of Education) has now decided to delegate to Inspectors of Schools the powers of the Head of the Department under No. 11 (b) of the delegations under Fundamental Rule No. 8, notified in Finance Department, No. 12528, dated 11th April, 1922, viz., to sanction acceptance of fees for private tuition not exceeding Rs. 200.

4. It is felt that the giving of private tuition has been extended to indefensible limits. As a general practice, the giving of such tuition by a teacher to a boy in his own class is most undesirable (for the assistance required to bring a backward pupil up to the level of his class fellows is the ordinary function of the teacher) and only in very special cases is private tuition by a teacher to a boy in another class or another school permissible.

5. It is, therefore, necessary to supervise much more closely than at present the giving of private tuition. The procedure in Government and Board schools in this regard shall in future be as follows :—

- (a) Every request for private tuition must take the form of a written application from the parent or guardian of the pupil concerned, stating clearly the reasons why private tuition is necessary. This application shall be made to the head master of the school which the pupil is attending.
- (b) On receipt of this application the head master will first decide in the light of what is stated in paragraph 4 above whether private tuition is, or is not necessary.
- (c) If tuition is considered necessary the head master will certify accordingly and the question of the teacher to be employed will be settled between the head master and the parent or guardian. Should a teacher from another school be proposed, the head master will communicate with the head master of the school in which such teacher is employed and secure his assent to the arrangements proposed. In any case permission for private tuition must be obtained from the head master both of the institution in which the pupil is studying and that in which the proposed tutor is employed. The forms will fix the time to be devoted to private tuition bearing in mind the age of the pupil and the latter the amount of remuneration to be paid bearing in mind the school duties of the teacher and the time to be devoted to the work.
- (d) On completion of these preliminaries the application with full details will be sent to the Inspector, with whom the decision shall rest, and the private tuition applied for shall on no account be undertaken until the Inspector's sanction has been received.

6. It is difficult to lay down any rigid rule regarding the rate of remuneration. The best course will be for Inspectors to use their judgment in this respect. The head master of each institution will keep a register of private tuitions; which register should be carefully scrutinised at the time of each inspection. On the 1st May of each year, a complete list of all tuitions undertaken during the previous school year should be forwarded to the Department of Education. Ordinarily, a teacher should not undertake more than one such tuition at a time, and in any case the time he can devote to this work will be limited by considerations regarding the nature and responsibility of his ordinary duties.

7. It should be clearly borne in mind that if a teacher undertakes private tuition without permission, he has committed a very serious offence. Inspectors are requested to forward all such cases to the Department. The punishment for the first offence will be the withholding of an increment or increments and loss of seniority for the teacher concerned; and, in the case of a repetition of the offence dismissal.

8. It is believed that the managing authorities of aided institutions are anxious to co-operate in this effort to eradicate the abuse of the system of private tuition, and it is, therefore, hoped that such institutions will be able to accept the spirit of the above instructions so that uniformity of practice may be observed in all schools in the province.

UNAUTHORISED PRIVATE TUITIONS, BY TEACHERS OF CENTRAL MODEL SCHOOL, LAHORE.

***3305. Mr. Muhammad Din Malak :** Will the Honourable Minister for Education please state—

(a) if it is a fact that certain teachers of the Central Model School give unauthorized private tuitions; (b) if so, whether Government propose to take any action in the matter?

The Honourable Malik Sir Firoz Khan Noon : (a) Government are not aware of such unauthorised tuitions, if any.

(b) Cannot arise unless some definite case is reported to Government.

HEAD MASTER, CENTRAL MODEL SCHOOL, LAHORE.

***3306. Mr. Muhammad Din Malak :** Will the Honourable Minister for Education please state the academical qualifications of the present Head Master of the Central Model School ?

The Honourable Malik Sir Firoz Khan Noon : The present Head Master of the Central Model School, Lahore, is B.A., S.A.-V., B.T.

HEAD MASTER, CENTRAL MODEL SCHOOL, LAHORE.

***3307. Mr. Muhammad Din Malak :** Will the Honourable Minister for Education please state since when the present Head Master of the Central Model School has been in the school, either—

- (a) as a master, or
- (b) as a second master, or
- (c) as head master ?

The Honourable Malik Sir Firoz Khan Noon : (a) He has not worked as master.

(b) He has worked as second master from 25th April 1922, to 31st December 1929.

(c) He has been working as officiating head master since the 1st January 1930.

It may be added for the honourable member's information that the retention of a suitable head master in one school for as many years as possible is in accordance with the principles of educational administration and is the practice in England and elsewhere.

MUSLIM HEAD MASTER FOR CENTRAL MODEL SCHOOL, LAHORE.

***3308. Mr. Muhammad Din Malak :** (i) Will the Honourable Minister for Education please state if it is a fact —

- (a) that the Central Model School is the only Government High School in Lahore, and
- (b) that no Muslim has ever been appointed as head master of the school.

(ii) If the reply to the above be in the affirmative, does Government propose to appoint a Muslim head master in the school ?

The Honourable Malik Sir Firoz Khan Noon : (i) (a) Yes, for boys.

(b) No.

(ii) This question cannot arise until the retirement or transfer of the present Head Master whose work is very satisfactory.

CENTRAL MODEL SCHOOL, LAHORE.

***3309. Mr. Muhammad Din Malak :** Will the Honourable Minister for Education please lay a statement on the table showing the duration or employment in the Central Model School, Lahore, of the teachers and masters at present on its staff ?

The Honourable Malik Sir Firoz Khan Noon: The statement giving the requisite information is placed on the table.

It may, however, be added for the honourable member's information that it is a distinct educational advantage if a school has a permanent un-changing staff of teachers.

Statement showing the duration of employment in the Central Model School, Lahore, of the teachers and masters at present on its staff.

Serial No.	Name.	Designation.	Period.			REMARKS.
			Y.	M.	D.	
1	Pt. Lakhshmi Narain	First Sanskrit teacher	18	2	17	Due to retire on 16th November 1934.
2	L. Ganda Ram ..	Senior English Master	17	9	27	
3	L. Rattan Chand Jain	First Commercial Master.	4	1	13	
4	Mr. E. V. Sircar ..	Senior English Master	11	7	29	
5	L. Amar Nath Kapur	Ditto	5	7	3	
6	L. Harcharan Das Mehta.	Ditto	13	1	9	
7	M. Imam-ud-Din ..	First Oriental teacher	13	4	21	Due to retire in April, 1937.
8	Kh. Ahmad Din ..	Senior English Master	11	2	27	
9	Ch. Muhammad Abdul-lah.	Ditto	10	2	5	
10	L. Behari Lal ..	Science Master ..	7	4	24	Due to retire on 1st November 1937. Due to retire on 11th August 1936.
11	L. Siri Ram ..	Senior English Master	8	4	8	
12	Pt. Prem Parkash ..	Science Master ..	7	3	20	
13	M. Muhammad Sharif	First Drawing Master	14	0	0	
14	Bh. Bhagwan Singh ..	Second Oriental Teacher.	29	0	22	
15	Pt. Ram Narain ..	First Gymnastic Instructor.	10	6	28	
16	L. Gauri Shankar ..	Senior English Master	11	11	25	
17	M. Rahmat Ali ..	Ditto	7	4	16	
18	L. Ram Labhaya ..	Ditto	4	8	0	
19	L. Kishan Dyal ..	Second Commercial Master.	11	6	12	

[The Hon. Malik Sir Firoz Khan Noon.]

Serial No.	Name.	Designation.	Period.			REMARKS.
			Y.	M.	D.	
20	M. Muhammad Aziz-ud-Din.	Vernacular teacher ..	9	9	23	Due to retire on 14th July 1934.
21	M. Ghazanfar Ali ..	Senior English Master	11	3	29	
22	M. Abdul Ghani ..	First Manual Training Instructor.	10	6	15	
23	M. Sher Muhammad..	Second Drawing Master	7	8	22	
24	Mir Qasim Ali ..	Second Manual Training Instructor.	7	4	10	Due to retire on 1st January 1937.
25	L. Gokal Chand ..	Senior English Master	6	11	18	
26	M. Ghulam Nasir Khan	Ditto	6	11	18	
27	M. Tallamand ..	Ditto	6	11	29	
28	L. Hukam Chand ..	Ditto	20	4	23	
29	S. Nazar Muhammad	Ditto	1	7	6	
30	Bh. Jagat Singh ..	Vernacular Teacher ..	27	3	25	
31	M. Ghulam Nabi Butt	Officiating Senior English Master.	0	6	4	
32	M. Khairat Ali ..	Junior English Master	12	7	18	
33	L. Des Raj ..	Vernacular Teacher ..	20	7	28	
34	M. Fazal-ud-Din ..	Arabic Teacher ..	0	5	7	
35	Bh. Attar Singh ..	Punjabi Teacher ..	1	10	13	
36	Pt. Mohkam Chand ..	Second Gymnastic Instructor.	7	0	29	
37	M. Muhammad Ismail	Vernacular Teacher ..	11	6	27	
38	M. Ata Muhammad ..	Vernacular Teacher ..	8	6	17	
39	Pt. Din Dyatu Joshi..	Hindi Teacher ..	2	6	21	

CENTRAL MODEL SCHOOL, LAHORE.

***3310. Mr. Muhammad Din Malak :** Will the Honourable Minister for Education please state—

- the total number of students in the Central Model School, Lahore;
- the total number of non-Muslim students ;
- the total number of Muslim students ?

The Honourable Malik Sir Firoz Khan Noon : (a) 784.

(b) 421.

(c) 363.

HEAD MASTER, CENTRAL MODEL SCHOOL, LAHORE.

***3311. Mr. Muhammad Din Malak :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that the Head Master of the Central Model School, Lahore, resides in the boarding house ;
- (b) if so, how many rooms he has been allowed to occupy for his private use ?

The Honourable Malik Sir Firoz Khan Noon : (a) No.

(b) Does not arise.

HEAD MASTER, CENTRAL MODEL SCHOOL, LAHORE.

***3312. Mr. Muhammad Din Malak :** Will the Honourable Minister for Education please state if it is a fact that the Head Master of Central Model School, Lahore, has in his private use—

- (a) ten rooms in the upper storey ;
- (b) seven rooms in the quarters ;
- (c) and the use of school godown for storing fodder for his private cattle ?

The Honourable Malik Sir Firoz Khan Noon : (a) No.

(b) No.

(c) No.

Mr. Muhammad Din Malak : How many rooms are occupied or are in the use of the Head Master ?

The Honourable Malik Sir Firoz Khan Noon : He used to live in the premises, but he does not now live there.

Mr. Muhammad Din Malak : Has he shifted somewhere else ?

The Honourable Malik Sir Firoz Khan Noon : He is not at present living on the school premises.

Mr. Muhammad Din Malak : Since when has he shifted ?

The Honourable Malik Sir Firoz Khan Noon : I shall have to make inquiries.

HEAD MASTER, CENTRAL MODEL SCHOOL, LAHORE.

***3313. Mr. Muhammad Din Malak :** Will the Honourable Minister for Education please state if it is a fact—

- (a) that the Head Master of the Central Model School, Lahore, has as many as four cattle, two of which belong to his brother residing in Amritsar, and that these cattle roam about in school compound and graze on school lawn ;
- (b) that some time back the auditors had recommended that the Head Master should be charged for the use of extra rooms ;
- (c) that the charge for extra rooms recommended by the auditors was never paid by the Head Master ;

[Mr. Muhammad Din Malak.]

(d) that the Head Master and members of his family use electric fans and lights outside school hours which go to swell the school and boarding house bills ;

(e) if the replies to the above be in the affirmative, what action Government proposes to take in the matter ?

The Honourable Malik Sir Firoz Khan Noon : (a) No.

(b) No.

(c) Does not arise.

(d) No.

(e) Does not arise.

GOVERNMENT TECHNICAL SCHOOL, LAHORE.

***3314. Mr. Muhammad Din Malak :** With reference to answer to part (iii) of starred question 1904¹ that craft education in Government Technical School, Lahore, was not proposed to be abolished; and the answer to part (c) of the same question that " Muslims have had quite a large proportion on the staff of this school and it is not understood what further assurance is required " will the Honourable Minister for Local Self-Government please state—

(i) if it is a fact—

(a) that carpentry in primary classes has since been abolished;

(b) that drawing in primary classes has since been abolished ;

(c) that the craft of padding taught in the senior classes has since been abolished ;

(d) that the craft of polishing has since been abolished ;

(e) that the craft of smithy has since been abolished ;

(f) that drawing taught in senior classes has since been abolished

(g) that carpentry taught in the senior classes has since been abolished, and

(h) that the few crafts still taught are about to be abolished ;

(ii) if the replies to the above be in the affirmative, why the assurances given in November, 1932, were not kept ?

The Honourable Dr. Gokul Chand Narang : (i) (a) and (b) The answer is in the negative. The primary classes to which he refers, were abolished prior to, and not after, the reply given to his Council question No. 1904.¹ The Director of Industries had, however, already addressed the Inspector of Schools, Lahore, with a view to the admission of the primary class boys in the schools of the Education Department.

(c) Padding was never taught as a separate craft in the school. It was only a branch of furniture making and that branch has been abolished.

(d) No. Polishing is still done as a branch of furniture making.

(e) No.

(f) No.

(g) No.

(h) No. Government has under consideration the issue of a statement which will make its policy in this matter clear.

(ii) Does not arise.

Mr. Muhammad Din Malak : May I know the date on which carpentry classes were abolished ?

The Honourable Dr. Gokul Chand Narang : The honourable member probably has not quite grasped the import of his own question and of my answer. The question was whether the drawing classes and carpentry classes were abolished after he put his question No. 1904.¹ The primary classes were abolished before that question was put and therefore there was no question of abolishing the drawing classes and carpentry classes since his question was put.

Mr. Muhammad Din Malak : That is why I have put this supplementary question to prove that these classes had not been abolished then.

The Honourable Dr. Gokul Chand Narang : Then you know more than the Director knows of the Department. The primary classes were abolished in October 1931 and the honourable member's question 1904¹ was probably put in November 1932.

GOVERNMENT TECHNICAL SCHOOL, LAHORE.

***3315. Mr. Muhammad Din Malak :** Will the Honourable Minister for Local Self-Government please state the number of students, community-wise, in the Government Technical School, Lahore—

(a) in the primary section of the school—

(i) up to the end of 1931 ;

(ii) up to the end of 1932 ;

(iii) up to the end of 1933 ;

(iv) up to the 1st April, 1934.

(b) in the middle section of the school—

(i) up to the end of 1931 ;

(ii) up to the end of 1932 ;

(iii) up to the end of 1933 ;

(iv) up to 1st April, 1934 ?

The Honourable Dr. Gokul Chand Narang :

	Hindus.	Muslims.	Sikhs.	Christians.	Total.
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(a) PRIMARY DEPARTMENT.

(i) Up to the end of 1931	..	15	192	12	2	221
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The Primary Department ceased to exist after 1931.

(b) MIDDLE DEPARTMENT.

(i) Up to the end of 1931	..	40	322	31	2	395
(ii) Up to the end of 1932	..	43	319	28	3	393
(iii) Up to the end of 1933	..	22	196	13	1	232
(iv) Up to 1st April 1934	..	9	153	4	3	169

The decrease in the number of boys in the Middle Department after 1932 arises from the fact that on the introduction of the new scheme of studies fresh admissions to the then existing classes were stopped, the boys already, on the rolls being however allowed to complete their course of study. The admissions to the new classes have been considerably restricted in order to permit of the individual attention necessary if the best results are to be obtained from the revised curriculum and also because the existing equipment and accommodation impose limits on the number of boys who can be efficiently trained.

GOVERNMENT TECHNICAL SCHOOL, LAHORE.

***3316. Mr. Muhammad Din Malak :** Will the Honourable Minister for Local Self-Government please state the number of teachers, community-wise, in the Government Technical School, Lahore—

(a) on the 31st December, 1932 ;

(b) on the 31st December, 1933 ;

(c) on the 1st April, 1934 ?

The Honourable Dr. Gokul Chand Narang :

	Hindus.	Muslims.	Sikhs.	Total.
(a)	.. 9	22	5	36
(b)	.. 7	20	5	32
(c)	.. 7	17	5	29

GOVERNMENT TECHNICAL SCHOOL, LAHORE.

***3317. Mr. Muhammad Din Malak :** The reply to part (b) of starred question 1904¹ was that "The students at present on the rolls of the school will not be discharged," but more or less 200 students belonging to the primary section of the school alone were in fact discharged. That being so, will the Honourable Minister for Local Self-Government please state—

- (a) how Government reconcile their assurance referred to above with the actual state of affairs ;
- (b) whether in spite of the declared policy of the Government the Director of Industries had of his own accord discharged so many students at once ;
- (c) the total number of students so discharged ;
- (d) how many of the students so discharged were Muslims, Hindus and Sikhs ;
- (e) the exact date on which these students were discharged ;
- (f) whether the Department of Industries had arranged with any other educational institution for the admission of the discharged students ; if not, why not ?

The Honourable Dr. Gokul Chand Narang : (a) There is no conflict between the answer given to part (b) of Council question No. 1904¹ and the actual state of affairs in the Government Technical School, Lahore. In this connection the honourable member's attention is invited to the answer given to his question No. 3314².

(b) No. The implication is quite unjustified and the Director of Industries has faithfully carried out the policy of Government.

(c) None.

(d), (e) and (f) Do not arise.

Mr. Muhammad Din Malak : If these classes had already been abolished why then was the assurance given by the Honourable Minister for Local Self-Government in reply to my question No. 1904¹ that no student on the rolls of the Technical School would be discharged ?

The Honourable Dr. Gokul Chand Narang : "No student then on the rolls of the school would be discharged". These were my words and none of them has been discharged. The honourable member should read his question and our answer again.

GOVERNMENT TECHNICAL SCHOOL, LAHORE.

***3318. Mr. Muhammad Din Malak :** Will the Honourable Minister for Local Self-Government please state—

- (a) the names and designations of the men belonging to the staff of the Government Technical School, Lahore, who have been brought under reduction, and
- (b) the reason responsible for their discharge ?

¹Volume XXII, page 439.

²Pages 52-53 ante.

The Honourable Dr. Gokul Chand Narang : (a)

Name.	Designation.
1. M. Karim-ud-Din	Vernacular Teacher.
2. M. Dost Muhammad Khan	Vernacular Teacher.
3. M. Abdul Qaym	Clay Modeller.
4. L. Bishamber Dass Uppal	Drawing Master.
5. L. Hans Raj	Vernacular Teacher.
6. Bh. Uttam Singh	Vernacular Teacher.
7. M. Ghulam Muhammad	Carpenter Master.
8. M. Jalal-ud-Din	Drawing Master.
9. M. Sardar Khan	English Teacher.
10. L. Sant Ram	Vernacular Teacher.
11. M. Muhammad Hussain	Padding Master.
12. Bh. Bhagwan Singh	English Teacher.
13. Bh. Jawand Singh	Metal Worker.
14. Bh. Chanda Singh	Carpenter Master.

(b) (i) Nos. 1 to 7 were brought under reduction in connection with the elimination of the Primary Department.

(ii) Nos. 8 to 14 were brought under reduction in connection with the re-organisation on the scheme of studies of the school.

Nos. 1, 2, 8, 8, 9, 10 and 12 have been provided for in the Education Department and No. 14 has been transferred to the Government Industrial School, Ludhiana.

Nos. 5 and 7 have been granted gratuities amounting to Rs. 400 and Rs. 496, respectively.

The applications of Nos. 4 and 11 for the grant of gratuity are with the Accountant-General for the verification of the amounts due to them. The application of No. 6 for the grant of a pension is under consideration while No. 14 has not put in an application for gratuity.

GOVERNMENT TECHNICAL SCHOOL, LAHORE.

***3319. Mr. Muhammad Din Malak :** Will the Honourable Minister for Local Self-Government please state the names and designations of such of the discharged members of the staff of the Government Technical School, Lahore, as have since been absorbed by the Department of Industries together with the names of the institutions where they have been absorbed ?

The Honourable Dr. Gokul Chand Narang : (1) Bhai Chanda Singh, Carpenter Master, transferred to Government Industrial School, Ludhiana.

(2) M. Muhammad Hussain, Padding Instructor, on his discharge from the Government Technical School, Lahore, was asked to work on daily wages in the Government Wood Working Institute, Jullundur, but has not joined there so far. His name has also been brought to the notice of the Principal, Mayo School of Arts, Lahore and his services will be requisitioned by him whenever there is work for him either in the Mayo School of Arts or in the Arts and Crafts Depot, Lahore.

Mr. Muhammad Din Malak : What salary was being drawn by Muhammad Hussain and what was the amount of the daily wages offered to him?

The Honourable Dr. Gokul Chand Narang : I have no information and if the honourable member gives notice I shall certainly give him the required information.

GOVERNMENT TECHNICAL SCHOOL, LAHORE.

***3320. Mr. Muhammad Din Malak :** Will the Honourable Minister for Local Self-Government please state as to whether it is proposed to absorb all the men since retrenched from the Government Technical School, Lahore, or who may in the immediate future be thrown out of employment as a result of the change in the Government policy with regard to the curriculum of the school; if not, why not?

The Honourable Dr. Gokul Chand Narang : Efforts are being made to secure for these men suitable employment in the Department of Education, elsewhere in the Department of Industries, or in schools under local bodies but it may not be practicable to secure employment for every one of them.

GOVERNMENT TECHNICAL SCHOOL, LAHORE.

***3321. Mr. Muhammad Din Malak :** Will the Honourable Minister for Local Self-Government please state—

- (a) the names ;
- (b) the designations ;
- (c) the date of appointment ;
- (d) the starting and grade pay of the men who have been appointed for the new toy-making, die-making and electro-mechanic class or classes in the Government Technical School, Lahore ?

The Honourable Dr. Gokul Chand Narang : There is no separate die-making department in the Government Technical School, Lahore. The subject of die-making is, however, taught in both the major departments of the school, viz. :—

- (a) Electro Mechanics.

[The Hon. Dr. Gokul Chand Narang.]

(b) Toy making (or more properly sheet metal working by die press methods).

(c) and (d) The details of the various appointments attached to each department are given below :—

Electro Mechanics Department.

Name.	Designation.	Date of appointment.	Starting pay and grade.
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ELECTRO MECHANICS DEPARTMENT.

Mirza Ziafat Hussain.	Electrical Engineer.	11th July 1933 ..	Rs. 150 per mensem <i>less</i> 15 per cent. <i>plus</i> 5 per cent. cut in grade Rs. 150—10—200.
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TOY MAKING DEPARTMENT.

Bhai Lakhmi Singh	Toy Designer ..	13th November 1933.	Rs. 110 per mensem (<i>less</i> 5 per cent. cut) in grade Rs. 110—5—135.
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POSTS COMMON TO BOTH DEPARTMENTS.

L. Jagan Nath ..	Stove Enameller..	1st April 1934 ..	Rs. 110 per mensem (<i>less</i> 5 per cent. cut) in grade Rs. 80—5—110.
M. Noor Din ..	Sheet Metal Worker.	5th December 1933	Rs. 70 per mensem (<i>less</i> 5 per cent. cut) against the grade Rs. 80—5—110.
L. Ram Gopal Khanna.	Assistant Master Incharge, Theoretical subjects.	12th May 1933 ..	Rs. 100 per mensem <i>less</i> 15 per cent. <i>plus</i> 5 per cent. cuts, in grade Rs. 100—5—150.
M. Karam Din ..	Clock Maker ..	7th December 1933.	Rs. 60 per mensem (<i>less</i> 15 per cent. <i>plus</i> 5 per cent.) in grade Rs. 60—5—90.
L. Lachhmi Narain	Die Sinker ..	11th October ..	Rs. 80 per mensem (<i>less</i> 15 per cent. <i>plus</i> 5 per cent.) in grade Rs. 80—5—100.

GOVERNMENT TECHNICAL SCHOOL, LAHORE.

***3322. Mr. Muhammad Din Malak :** Will the Honourable Minister for Local Self-Government please state—

- with reference to Government Technical School, Lahore, the total expenditure entailed up to date for starting a toy-making class ;
- the number of students admitted to the toy-making class ;
- the toy-making class or classes, if any, since started ?

The Honourable Dr. Gokul Chand Narang : (a) Rs. 736-9-0.

(b) and (c) Government regret that owing to circumstances as to which they have not yet received complete information, the toy-making class has not yet been opened. Further enquiries are being made, and the future of the class is separately under the consideration of the Industries Department.

GOVERNMENT TECHNICAL SCHOOL, LAHORE.

***3323. Mr. Muhammad Din Malak :** Will the Honourable Minister for Local Self-Government please state—

- (a) if it is a fact that although staff for the new toy-making and die-making classes in the Government Technical School, Lahore, was engaged as far back as October, November and December, 1938, nobody has yet joined these classes and the money hitherto spent has been a net loss to the provincial revenues ;
- (b) if the reply to the above be in the affirmative, whether Government intends to give up the idea of starting these classes seeing that toy-making is not popular with the public ; if not, why not ?

The Honourable Dr. Gokul Chand Narang : (a) The honourable member's attention is invited to the reply to starred Council question 3322. The only staff engaged for these classes is a toy-designer who since his appointment in November last has been usefully engaged on technical drawings and other work preliminary to the opening of the toy-making department.

(b) Government are impressed with the desirability and possibilities of development in the toy-making industry, but will further consider the question of the future of the toy-making class on receipt of fuller information as to the reasons which have hitherto precluded its opening. From information received by Government it appears that the reasons why this class has not yet been opened is not the alleged unpopularity of the scheme. The case is under investigation.

GOVERNMENT TECHNICAL SCHOOL, LAHORE.

***3324. Mr. Muhammad Din Malak :** Will the Honourable Minister for Local Self-Government please state as to who was responsible for retrenching the existing curriculum and for introducing toy-making classes in the Government Technical School, Lahore ?

The Honourable Dr. Gokul Chand Narang : The changes in the curriculum of studies of the Government Technical School, Lahore, have been made by Government in the Industries Department in pursuance of the policy of converting industrial schools which, till recently, were giving training only in ordinary carpentry and smithy, into trade schools with a view to giving training in the production of articles of daily utility for which no facilities were found to exist in the Punjab.

RAM GOPAL, TEACHER, GOVERNMENT TECHNICAL SCHOOL, LAHORE.

***3325. Mr. Muhammad Din Malak :** Will the Honourable Minister for Local Self-Government please state—

- (a) the academical or technical qualifications of Mr. Ram Gopal, teacher ;
- (b) the salary and the date on which he has been appointed in Government Technical School, Lahore ;
- (c) whether it is a fact that he is an untrained graduate ;
- (d) if so, why he was engaged on such high rate of salary ?

The Honourable Dr. Gokul Chand Narang : (a) Lala Ram Gopal, possesses the F. Sc., certificate and B.A. degree, he is a certificated mechanical draftsman and has served an apprenticeship in an electrical firm.

(b) He was appointed on 12th May 1933 at Rs. 100 per month (less 15 per cent. and 5 per cent. cuts) in grade Rs. 100—5—150.

(c) and (d) In view of the reply to (a), these do not arise.

The honourable member probably had in mind pedagogic qualifications like the B. T. degree. If so, he will kindly note that such a degree or diploma is not required and would be practically of no use for the kind of teaching Ram Gopal is carrying on.

Mr. Muhammad Din Malak : No. I wanted to know his technical qualifications.

The Honourable Dr. Gokul Chand Narang : I have given them in my answer.

GOVERNMENT TECHNICAL SCHOOL, LAHORE.

***3326. Mr. Muhammad Din Malak :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether Sardar Bhagwan Singh and Chaudhri Sardar Khan, English masters and Chaudhri Sant Ram and Lala Hans Raj and Uttam Chand, etc., Urdu masters, have been retrenched ;
- (b) whether the teachers named in (a) were senior to Mr. Ram Gopal ;
- (c) if answer to (b) be in the affirmative, why Mr. Ram Gopal was not brought under retrenchment ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) No.

(c) Does not arise.

QUALIFICATIONS OF THE DIRECTOR OF INDUSTRIES.

***3327. Mr. Muhammad Din Malak :** With reference to reply to starred question 1708 (a),¹ wherein the Honourable Minister for Local Self-Government had stated that, "There are no qualifications anywhere laid down for the Director of Industries," and the reply to starred question 2374, wherein the Honourable Minister, when he was referred to paragraph 311 of the Industrial Commission report, 1916-18, stated that his attention had not been drawn to it until the 8th March, 1933, i.e., until the notice of the

¹Volume XXII, pages 241-42.

latter question had reached him, will the Honourable Minister for Local Self-Government please state as to why no action has since been taken to give effect to the recommendations of the Industrial Commission?

The Honourable Dr. Gokul Chand Narang : The reply to starred Council question No. 2374 of March, 1933, was intended to signify that Government were satisfied that the present Director of Industries was suitably qualified to discharge the duties of his post. No further action was, therefore, considered necessary.

Mr. Labh Singh : With reference to question No. 3327 and the questions before and after that, may I, without being personal, ask a supplementary question? I wish to know whether the honourable member has a relation of his serving in the office of the Director of Industries. If so, is it a fact that disciplinary action was taken against him only recently and also if it is a fact that after this disciplinary action it was that the honourable member has considered it proper to direct this fusillade of interpellations against the Director of Industries.

Mr. Muhammad Din Malak : Has the honourable member raised a point of order against my questions?

Mr. Labh Singh : No. I have asked a supplementary question.

Mr. President : If the honourable member asks every question separately, the Chair will be able to decide its admissibility.

Mr. Labh Singh : Is it a fact that honourable member has got a relation of his. (*The Honourable Dr. Gokul Chand Narang :* which member?) The honourable member who is putting the question.

Mian Nurullah : May I enquire from which answer this supplementary question arises?

Mr. Labh Singh : From questions Nos. 3327, 3328 and the questions before and after them.

Mr. Muhammad Din Malak : The honourable member cannot bring in other questions than the one just now answered.

The Honourable Dr. Gokul Chand Narang : According to the information supplied to me the answer is in the affirmative.

Mr. President : If the object of the honourable member is to raise a charge of personal character against a member of this House he cannot do so indirectly by asking supplementary questions. For that purpose he must move a direct and a substantive motion.

Mr. Labh Singh : No. That was not at all my object.

Mr. President : The honourable member may ascertain facts from the Minister concerned. But the object of his questions should not be to discredit the honourable member for Lahore or to question his motives.

Chaudhri Allah Dad Khan : You have said just now that 'unless the honourable member, Mr. Labh Singh, repeats his questions and in separate parts, you will not be able to give a ruling whether the questions are allowed or not. But before you said anything the answer was given by the Honourable Minister. Will you kindly rule that that answer should be deleted from the report?

Mr. President : That appears to be a harmless question and its answer also appears to be harmless.

Chaudhri Allah Dad Khan : You will warn the Minister that in future he shall not answer any question before you give your ruling on it. If the question is allowed by you then he is welcome to answer it.

Chaudhri Afzal Haq : May I draw your attention to Article 40 of our Business Manual which says :—

Questions shall be put and answers given in such manner as the President may, in his discretion, determine

You have not determined whether even this question is permissible or not. Before that the Honourable Minister has been pleased to stand up and answer the question.

There is another point of order. According to Article 42 of our Business Manual "any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given: provided that the President shall disallow any supplementary question if, in his opinion, it infringes the rules as to the subject matter of questions or the standing orders." The objection has been raised but in spite of that objection and without hearing your ruling the question was put by the honourable member opposite, Mr. Labh Singh, and it was answered by the Honourable Minister. I propose that such questions should not be put without your permission.

Mr. President : That is all right for the future but what about the question which has been answered ?

Chaudhri Afzal Haq : The question and the answer should be deleted.

Not only this. Our objection is not confined to this point. We say that there is a conspiracy between the honourable member putting the question and the Honourable Minister answering it.

The Honourable Dr. Gokul Chand Narang : It is a lie.

Chaudhri Allah Dad Khan : Lie is an unparliamentary word. It has never been used in this House ever since its inception. Will you kindly order that that word should be withdrawn ?

Mr. President : There was no justification for heat. The matter was a simple one. A question was read out. I remarked that if each part of the question was separately put I will be able to decide its admissibility. But the Honourable Minister answered the first part before I gave any decision.

The Honourable Dr. Gokul Chand Narang : I waited for some time after the question was put.

Mr. President : When the Honourable Chaudhri Afzal Haq got up to state his point of view in his heat he talked of a conspiracy. That was objectionable. He ought not to have attributed motives to any member of this House. It was equally objectionable on the part of the Honourable Minister to use the unparliamentary expression he has used. Will the Honourable Chaudhri Afzal Haq first withdraw his remark about the alleged

conspiracy? When he has withdrawn I will ask the Honourable Minister to withdraw his expression.

Chaudhri Afzal Haq : Before I withdraw—

Mr. President : No arguments please.

Mr. Manohar Lal : Conspiracy is a stronger word than a "lie".

Chaudhri Afzal Haq : I withdraw it.

The Honourable Dr. Gokul Chand Narang : I also withdraw.

Mr. President : As to whether the question and its answer should be expunged, I think the question was put and answered before its admissibility was decided. Let us first decide whether the question was harmless. If the question was harmless and its answer also was harmless they need not be expunged.

The Honourable Dr. Gokul Chand Narang : You said that they were harmless.

Mr. President : Yes. If the question and its answer are not objectionable, the question of their deletion does not arise. But if they are objectionable they shall be expunged if the House so desires.

Chaudhri Allah Dad Khan : They are objectionable, but you did not invite opinions of members on that point.

Mr. Labh Singh : May I explain? I have certainly no intention to call in question the motives of the honourable member. But certainly I have a right to determine for myself as to what question I shall pay my attention, on what matters I shall spend my time. If by asking this question I get the matter further elucidated and I find that these questions have been prompted by a disgruntled subordinate of an office, I would simply ignore them and would not spend any time on either reading the questions, listening to the answers and the supplementary questions. My intention is to save my time and save the time of the House.

Mr. President : The object of the honourable member was laudable no doubt. But I wish him to refer to Article 42 of our Business Manual: It runs as follows:—

"Any member may put a supplementary question for the purpose of elucidating any matter of fact regarding which an answer has been given."

Now the question is which matters of fact mentioned in the answer require to be elucidated by supplementary questions?

Mr. Labh Singh : I would like to treat all these questions as a whole.

Mr. President : No. The honourable member cannot be allowed to do that.

Mr. Labh Singh : I ask your permission to ask the supplementary question with respect to question no. 3328 and the questions antecedent to and following it.

Mr. President : If any facts are mentioned in the Honourable Minister's answer to Mr. Malak's question and those facts require elucidation, the honourable member may put supplementary questions but not otherwise.

Mr. Labh Singh : You may listen to my question and then give your ruling as you think it. My second question consists of two parts. First is it a fact that disciplinary action was taken against—

Mr. President : These are not supplementary questions.

Mr. Labh Singh : That is for the Chair to decide after I have put the questions.

Mr. Muhammad Din Malak : On a point of order. I think the honourable member from Gujranwala is trying to usurp the function of the Chair. It is for the Chair to admit or not to admit a question. The honourable member is simply attacking the nature of the questions.

Mr. President : I think it is the honourable member's privilege to put his point before the Chair for decision.

Mr. Muhammad Din Malak : Moreover, the honourable member cannot frame a supplementary question on a string of questions. A supplementary question should only relate to the question last put. The honourable member's question refers to many of the questions which preceded the last questioner. He used the words "a fusillade of questions." I object to the expression. That shows the honourable member's own mentality.

Mr. Mukand Lal Puri : May I request that the matter be now dropped. It has been sufficiently discussed and I request my honourable friend, Mr. Labh Singh, to treat the matter as closed.

Mr. President : Not more than one member should speak at the same time. In my opinion the questions of the honourable member from Gujranwala do not arise from the Honourable Minister's answers. They may be asked as independent questions. But I may point out that no question can be asked which reflects on the character or conduct of a member, whose conduct can be dealt with only on a substantive motion.

Mr. Labh Singh : I bow to your decision. I will ask them as independent questions.

POST OF DIRECTOR OF INDUSTRIES.

***3328. Mr. Muhammad Din Malak :** Will the Honourable Minister for Local Self-Government please state if the post of the Director of Industries is treated as a political post ?

The Honourable Dr. Gokul Chand Narang : No.

TOURS OF THE DIRECTOR OF INDUSTRIES.

***3329. Mr. Muhammad Din Malak :** With reference to the replies given to parts (a) and (b) of starred question No. 2874,¹ will the Honourable Minister for Local Self-Government kindly state—

(a) the nature of the "interests of public service" justifying the journeys to Palampur and Baijnath by the Director of Industries ;

(b) the "industrial interests" served or advanced by this visit ?

¹Volume XXIV, page 355.

The Honourable Dr. Gokul Chand Narang : (a) and (b) The journeys under reference were in connection with an enquiry into certain questions affecting the welfare of labour employed on the tea estates in that area.

Ahrat TAX ON VEGETABLES IN SIALKOT MUNICIPALITY.

***3330. Mr. Muhammad Din Malak :** With reference to reply to unstarred question No. 726¹ wherein the Honourable Minister for Local Self-Government had stated that a petition protesting against the imposition of *Ahrat* tax on vegetables by the municipality of Sialkot had been received and was being looked into, will he kindly state the result of the consideration of this petition by the Government ?

The Honourable Dr. Gokul Chand Narang : The Commissioner, Lahore division, has been instructed to inform the committee :—

- (a) that in granting licences it should in future insert a clause prohibiting the levy by the licensees of any fee in kind, or of any fee in cash other than the *Ahrat* fee established by custom ; which must not exceed one anna per rupee in all, whether paid by the buyer or the seller or in part by both ;
- (b) that in auctioning the vegetable market the committee must in future definitely reserve the right to license other premises in addition to the main market ; and that it should actually license at least two or three other premises, if licensees come forward. In regard to current the municipal committee is being advised to warn the licensee, who is reported to have infringed the conditions of his license, that the committee reserves its right to license other premises, provided this can be arranged without the committee losing in the transaction ;
- (c) that as the present licensee has failed to pay the lease money within the prescribed date, he should be offered the option of a cancellation of a lease or an addition in the agreement of a clause prohibiting the levy of the commission in kind ; and
- (d) that meanwhile the committee should proceed to the framing of bye-laws under sub-clause (ii) of a clause (e) of section 188 of the Punjab Municipal Act, 1911.

Ahrat TAX ON VEGETABLES IN SIALKOT MUNICIPALITY.

***3331. Mr. Muhammad Din Malak :** The Honourable Minister for Local Self-Government had said, with reference to the unstarred question No. 727² that the reply to it would be communicated as soon as it was ready. Is it ready and will he kindly give it now ?

The Honourable Dr. Gokul Chand Narang : The information³ asked for by the honourable member has already been communicated to him through the Secretary of the Punjab Legislative Council.

¹Volume XXIV, page 264.

²Vide Volume XXIV, page 264.

³Vide Volume XXIV, Appendix.

SIMLA EXODUS OF CHIEF ENGINEERS.

***3332. Mr. Muhammad Din Malak :** Will the Honourable Member for Revenue kindly state if in view of the continued financial depression, Government intend—

- (a) to discontinue the practice of allowing all the three Chief Engineers, Irrigation Department, to spend the hot weather at Simla ; and, if not, why not ; or
- (b) to put them all on the list of recessing officers ; and, if not, why not ; or
- (c) to put at least two of them on the list of recessing officers ; and, if not, why not ?

The Honourable Sir Miles Irving : (a) (b) and (c) No.

The attention of the honourable member is invited to the replies to starred Council questions Nos. 1479¹ and 1757² of 1932.

UNAUTHORIZED IRRIGATION.

***3333. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether canal overseers and zilladars are authorized to record statements of persons concerned in cases of unauthorized irrigation, waste of water and of offences committed against the Canal Act ;
- (b) whether any person who refuses to make a statement before (i) a zilladar, (ii) a canal overseer, is punishable under any law ;
- (c) whether any person who makes a statement before (i) a zilladar or (ii) a canal overseer but refuses to put his thumb-impression or refuses to sign that statement made by him is punishable under any law ?

The Honourable Sir Miles Irving : (a) Zilladars acting under the control of the Sub-Divisional Officer are often required to carry out preliminary investigation into offences committed against the Canal Act, in particular into *tawan* cases. Canal overseers acting under the same control are often required to investigate cases of damage to canal works and plantations, but are not allowed to investigate *tawan* cases.

(b) Both the zilladars and canal overseers are public servants ; public servants in certain circumstances can require persons to answer questions. I invite the attention of the honourable member to section 179, I. P. C.

(c) I invite the attention of the honourable member to section 180, I. P. C. With reference to both this and the previous part of the question Government thinks it against the public interest to give an opinion on questions of law with which the Courts might not agree.

If the honourable member has information of any cases in which a zilladar or a canal overseer has abused his legal powers I request that he will communicate the facts to Government.

¹Volume XXI, page 984.

²Volume XXII, page 501.

UNAUTHORISED IRRIGATION.

***3334. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether canal overseers are authorized by any law or departmental orders to investigate cases of unauthorized irrigation, waste of water and of offences committed against the Canal Act and to record statements in such cases ;
- (b) whether the Revenue Manual authorises a zilladar only to investigate all cases of waste of water and unauthorized irrigation and record statements,—*vide* paragraph 2-22 of the Revenue Manual ;
- (c) if so, why canal overseers are engaged on this work and whether the Government is prepared to issue instructions to the local officers not to employ canal overseers on investigation work ; if not, why not ?

The Honourable Sir Miles Irving : (a) Canal overseers are not authorized to investigate cases of unauthorized irrigation, or waste of water, but can investigate such offences as cutting canal banks or causing obstructions to the flow of water in any channel under their control.

(b) Yes.

(c) In view of (a) does not arise.

UNSTARRED QUESTIONS AND ANSWERS.

REPRESENTATION OF BALMIKI AND AD DHARAM COMMUNITIES IN MUNICIPALITIES.

841. Chaudhri Bansi Lal : Will the Honourable Minister for Local Self-Government be pleased to state whether any proportion of representation has been fixed for Balmiki and Ad Dharam community in the municipal committees and district boards of the province ; if so, what ; if not, why not ?

The Honourable Dr. Gokul Chand Narang : No, because Balmiki and Ad Dharam community is included in "Hindus and Others ;" but instructions have been issued that suitable representatives of depressed classes may be appointed or recommended for appointment as members of local bodies.

REPRESENTATION OF BALMIKI AND AD DHARAM COMMUNITY IN SERVICES.

842. Chaudhri Bansi Lal : Will the Honourable Member for Finance be pleased to state—

- (a) whether the Government has ever given any posts to the members of the Balmiki and Ad Dharam community in the departments under its control ; if so, how many ; if not, why not ?
- (b) whether the Government is prepared to give to the members of Ad Dharam and Balmiki community their due share in services in proportion to their population ?

The Honourable Mr. D. J. Boyd : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

DETENTION OF MR. S. H. VATSYAYANA IN CUSTODY.

843. Chaudhri Afzal Haq : Will the Honourable Member for Finance be pleased to state—

- (i) if it is a fact that Mr. S. H. Vatsyayana, B.Sc., a sixth Year (M.A.) student of the Punjab University has been in police and other custody for more than 3½ years since his arrest on the 16th November, 1930 ;
- (ii) if it is a fact that he is still being detained by the police in the Lahore Fort in spite of the High Court orders for his release issued on February 2, 1934 ;
- (iii) if it is a fact that Mr. Vatsyayana although convicted in the lower courts in the cases conducted by the police against him, was acquitted by the High Court on appeal ;
- (iv) if it is a fact that Mr. Vatsyayana was kept as an under-trial prisoner for nearly two years while being tried in the Delhi Conspiracy Case by a Special Tribunal which was subsequently dissolved by orders of the Government, the Delhi Conspiracy Case having been withdrawn ;
- (v) if it is a fact that Mr. Vatsyayana, who was then tried in the ordinary courts, continued to be an under-trial prisoner during all that time ;
- (vi) now that Mr. Vatsyayana is acquitted by the High Court of the charges preferred against him, under what specific accusations he is being further detained by the police in the Lahore Fort ;
- (vii) whether it is a fact that Mr. Vatsyayana was classed as a B class prisoner in the Delhi and Multan jails and that after the High Court order for his release he is now confined by the police in an unhealthy solitary cell ?

The Honourable Mr. D. J. Boyd : (i) Yes.

(ii) No.

(iii) Yes.

(iv) No. He was an under-trial prisoner in the case from 27th May 1932 to 3rd February, 1933, when the Tribunal was dissolved.

(v) He remained an under-trial prisoner until his case was decided.

(vi) and (vii) He has been released.

SIKH PATWARIS AND KANUNGOS IN LUDHIANA DISTRICT.

844. Sardar Sahib Sardar Ujjal Singh : Will the Honourable Member for Revenue be pleased to state—

- (i) (a) the total amount of land revenue paid by the Sikhs, Hindus and Muhammadans separately in the Ludhiana district with their respective population ;

- (b) the total number of patwaris and kanungos in the Ludhiana district communitywise ;
- (c) the total strength of district establishment in the Ludhiana district communitywise ;
- (ii) if the proportion of the Sikhs in the staff of the patwaris and kanungos and in the district establishment in the Ludhiana district is disproportionate even to their population, whether the Honourable Member for Revenue intends to issue instructions, as was done for the Muhammadans in the Irrigation Branch of Public Works Department that no further recruitment of other communities be made till the number of Sikhs is made up ?

The Honourable Sir Miles Irving : (i) (a) The required information is given below :—

Name of community.					Population.	Amount of land revenue paid.
Sikhs	..	..	..	..	312,829	Rs. 10,69,662
Hindus	..	..	..	..	102,441	84,352
Muslims	..	..	..	..	235,598	3,40,670

(b) The required information is given below :—

—		Total No.	Sikhs.	Hindus.	Muslims.	Christian.
Patwaris	..	302	87	130	84	1
Kanungos	..	20	5	3	12	..

(c) The total strength of district establishment is given below :—

Total No.	Sikhs.	Hindus.	Muslims.
86	4	35	47

(ii) The policy of Government was stated by the Honourable Finance Member in a debate in the Legislative Council on the 19th July 1927. This is still the policy of Government and Government will continue to carry out the requirements of the formula contained in the said statement of policy. Government does not think it necessary to issue further orders. The figures quoted in part (i) will be brought to the notice of the Deputy Commissioner.

**SIKHS IN DEPUTY COMMISSIONERS' OFFICES, JULLUNDUR
DIVISION.**

845. Sardar Sahib Sardar Ujjal Singh : Will the Honourable Member for Revenue be pleased to state—

- (a) the total number of naib-tahsildar candidates communitywise who were accepted in each of the Jullundur and Lahore divisions during the last five years ;
- (b) whether it is a fact that out of five superintendents and five head vernacular clerks of deputy commissioners' offices in the Jullundur division, there is not a single incumbent who is a Sikh ;
- (c) if so, whether the Government intends to fill the next vacancy by a Sikh ?

The Honourable Sir Miles Irving : (a) The required information is given below :—

	Hindus.	Sikhs.	Muslims.	Total.
Jullundur division ..	3	7	8	18
Lahore division ..	..	3	3	6

(b) No.

(c) Does not arise.

SIKH OFFICIALS IN JAGRAON.

846. Sardar Sahib Sardar Ujjal Singh : Will the Honourable Member for Finance be pleased to state whether it is a fact that Jagraon tahsil is predominantly a Sikh tahsil but all the sub-inspectors of police in it and honorary magistrates and tahsildars are non-Sikhs ?

The Honourable Mr. D. J. Boyd : Slightly more than half the population of the Jagraon tahsil are Sikhs. The sub-inspectors of police, honorary magistrates and tahsildars are non-Sikhs.

WATER SUPPLY TO GARDENS.

847. Sardar Bishan Singh : Will the Honourable Member for Revenue be pleased to state—

- (a) whether the Irrigation Department in pursuance of the Government policy indicated in its letter No. 5164-P. W. D., dated 1st April, 1933, allowed extra water to any established commercial garden ; and if so, whether he will furnish a statement of such grantees and the extra garden water allowed to each since the issue of this letter ;

- (b) whether Government is aware that since the promulgation of the above policy, the Chief Engineer (North) has revised the formula of extra grant of water for fruit gardens which has had the effect of reducing water-supply from three times to twice the normal without correspondingly reducing the rate of *abiana* on gardens ;
- (c) the total reduction effected in cusecs under the new formula or contemplated under it ;
- (d) whether it is a fact that extra supply of water for fruit-growing is granted only on the recommendation of the Agricultural Department but in reducing it, it is not consulted at all ;
- (e) whether the Chief Engineer (North) consulted the Agricultural Department, the Fruit Expert to the Government, Punjab, or any of the fruit growers' associations before revising the formula, implying a reduction of 33 per cent. in the garden rate of water ; if not, on what basis he took this action and whether Government has approved of it ?

The Honourable Sir Miles Irving : (a) Since the issue of the Irrigation Branch letter No. 5164-Rev., dated 1st April, 1938, the following areas have been approved as gardens for the purpose of extra supply of canal water and the usual water allowance for gardens allowed in each case :—

- (1) 27 acres on Outlet No. 75-L. .. } Fateh Din, minor of the Lower Chenab Canal (West Circle).
- (2) 15 acres on Outlet No. 75-L-2, -Right .. }
- (3) 16½ acres at Montgomery belonging to Sardar-Ganda Singh Cheema.
- (4) Garden of M. Imam-ud-Din of Chak No. 120, Gugera Branch.
- (b) No. The formula in use has undergone no change since the issue of the letter referred to in (a) above, and is that laid down in Article 3-38 of the Irrigation Manual of Orders.

- (c) } Do not rise.
- (d) }
- (e) }

ALIENATIONS OF AGRICULTURAL LAND.

848. Shrimati Lekhwati Jain : Will the Honourable Revenue Member please state—

- (a) how much agricultural land has been alienated in the shape of gifts, mortgages and sales in each of the districts of the Punjab in each year since 1921, by childless widows, which land would have escheated in favour of Crown but for such alienations ;
- (b) the total value of the alleged consideration received by such widows each year and in each district ;

[Srimati Lakhwati Jain.]

- (c) whether Government has exercised the right of challenging such alienation ; if so, how many suits have been instituted since then in each year in each district ; in how many cases has the Government succeeded wholly, partly or not at all ;
- (d) whether there are any instructions or orders issued by the Government to its revenue officers, that they should carefully examine such alienations at the time of sanctioning mutations and report them to the collector for taking suitable action ;
- (e) if not, whether Government intends issuing such instructions ;
- (f) whether Government has prepared an estimate of the loss for not exercising its rights of escheat and challenging such unauthorised alienations ?

The Honourable Sir Miles Irving : (a), (b) and (c) It is regretted that the information asked for is not obtainable from the records.

(d) and (e) The instructions issued in regard to escheats will be found in paragraph 838 of the Land Administration Manual, as inserted by correction slip No. 28, dated 20th February 1934.

(f) Does not arise.

ESCHEAT OF LAND.

849. Shrimati Lekhwati Jain : Will the Honourable Revenue Member please state—

- (a) how much land has escheated to the Government in each district during the last ten years and its value ;
- (b) the value of property other than that escheated to the Crown which has been alienated by heirless parents ?

The Honourable Sir Miles Irving : (a) The information is being collected and will be supplied to the honourable member when ready.

(b) No record exists from which the information could be obtained.

TREASURE TROVE.

850. Shrimati Lekhwati Jain : Will the Honourable Revenue Member please state—

- (a) the value of the property recovered as treasure trove since 1921 each year in each of the districts of Punjab ;
- (b) whether Government is aware of the fact that many such cases of the finding of treasure trove are hushed up by interested persons causing thereby great loss to the Government ;
- (c) whether Government intends in future to encourage the giving of information regarding the finding of treasure troves by means of suitable rewards ?

The Honourable Sir Miles Irving : (a) This information is being collected from districts and will be communicated subsequently.

(b) Government have no reason to believe that there have been any valuable discoveries of treasure trove in recent years which have not been reported.

(c) The attention of the honourable member is invited to the provisions of the Indian Treasure Trove Act, 1878, which allow to the finder of treasure (provided he makes a report to the Collector) a generous share of the property or its money equivalent. No new action in the matter is contemplated by Government.

ANGLO-VERNAACULAR SECTION OF S. E. S.

851. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education be pleased to state—

(a) the number of vacancies that arose in the anglo-vernaacular section of the S. E. S. in each division since 31st October 1930 ;

(b) the number of each given to the Hindus, Sikhs and Muslims ?

The Honourable Malik Sir Firoz Khan Noon :

<i>Division.</i>	<i>Number of vacancies.</i>
(a) Ambala division	13
Jullundur division	13
Lahore division	13
Rawalpindi division	17
Multan division	12
(b) Hindus	8
Muhammdans	24
Sikhs	2

The remaining vacancies were filled by transfers of spare teachers. It may be added for the honourable member's information that most of these appointments were made on the recommendations of the divisional inspectors, who maintain registers of candidates for employment in schools, and the rest on the recommendations of the Principals and the College Inspection Committee. It will, perhaps, further interest the honourable member to know that his community still predominates markedly in this section of the service, the present proportion of each community being—

	<i>Per cent.</i>
Hindus	47.1
Muhammdans	38.7
Sikhs	13.1
Others	1.1

The honourable member will concede that his question has drawn the attention of Government to the under-representation of Muslims in this service and the over-representation of his own community.

PERSONS DISMISSED OR DISCHARGED.

852. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

- (a) the number of Hindus and Sikhs who have been dismissed or whose services have been dispensed with by Government since 31st October, 1980 ;
- (b) the reasons in each case ?

The Honourable Malik Sir Firoz Khan Noon : (a) Seven Hindus and two Sikhs. The honourable member may be interested to know that five Muslims also have been removed from service during the same period.

(b) For unsatisfactory work (in the case of probationers) and grave misconduct (in the case of permanent employees) under the Punjab Subordinate Services Punishment and Appeal Rules, 1980.

CANCELLATION OF TEACHING CERTIFICATES.

853. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

- (a) the number of teachers communitywise whose teaching certificates have been cancelled since 31st October, 1980 ;
- (b) the reasons in each case ?

The Honourable Malik Sir Firoz Khan Noon :—

(a) 1. Hindus	..	..	..	..	5
2. Muhammadans	..	..	..	..	6
3. Sikhs	..	..	..	..	..

(b) In each case for grave misconduct, under Article 180 of the Punjab Education Code.

CLASSICAL AND VERNACULAR SECTION OF S. E. S.

854. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister or Education please state—

- (a) the number of vacancies in each division that arose in the classical and vernacular section of the S. E. S. since 31st October, 1980 ;
- (b) the number of these given to the Muslims, Sikhs and Hindus ?

The Honourable Malik Sir Firoz Khan Noon :—

					Number of vacancies.
(a)	Ambala division	..	..	..	16
	Jullundur division	..	..	..	16
	Lahore division	..	..	..	17
	Rawalpindi division	..	..	..	17
	Multan division	..	..	..	8
(b)	Muslims	..	..	..	16
	Hindus	..	..	..	8
	Sikhs	..	..	..	4

The remaining vacancies were filled by the transfer of spare teachers. For the honourable member's information it is further added that with the exception of four appointments these vacancies were filled on the recommendation of the inspectors concerned. Four appointments only were made independently by the department. Of these two were Muslims and two non-Muslims.

DE MONTMORENCY COLLEGE, SHAHPUR SADR.

855. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

- (a) the number of transfers to and from the de Montmorency College Shahpur Sadr, since the opening of the college ;
- (b) the reasons for these transfers ?

The Honourable Malik Sir Firoz Khan Noon : (a) A statement giving the requisite information is laid on the table. A good many were made because the college was raised to the degree standard.

(b) The interest of public service. It will however interest the honourable member to know the communal representation on the staff of this college which is as under :—

Muslims ..	..	..	..	..	9
Non-Muslims	..	..	..	..	10

STATEMENT.

Communities.		Transfers to the deMontmorency College, Shahpur Sadr.	Transfers from the deMont- morency College, Shahpur Sadr.
Muslims ..	..	8	6
Non-Muslims ..	..	18	16
Total	..	26	22

GOVERNMENT COLLEGE, LAHORE.

856. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

- (a) the number of transfers communitywise made from the Government College, Lahore, since 31st October, 1980 ;
- (b) the number of posts in the Government College given to the Hindus, Muhammadans and Sikhs by transfers from other colleges or by direct recruitment ?

The Honourable Malik Sir Firoz Khan Noon :

(a) Hindus	6
Muslims .. .. .	..
Sikhs	1
Christians .. .. .	..
Others	1
(b) Hindus	5
Muslims	7
Sikhs	1
Christians	1
Others	1

It may be added for the honourable member's information that almost all these transfers were made on the recommendation of the Principals or the College Inspection Committee. It will, perhaps further interest the honourable member to know that his community is still over-represented in the college, the number and proportion of the various communities among professors and lecturers in the college being :—

Communities.	PROFESSORS IN I. E. S. AND P. E. S. CLASS I.		LECTURERS IN P. E. S. CLASS II.		LECTURERS IN THE S. E. S.		TOTAL.	
	No.	Pro- portion.	No.	Pro- portion.	No.	Pro- portion.	No.	Pro- portion.
		Per cent.		Per cent.		Per cent.		Per cent.
Hindus ..	5	45.5	8	44.4	3	37.5	16	43
Muslims ..	1	9	7	38.8	4	50	12	32
Sikhs ..	Nil	..	2	11.2	1	12.5	3	8
Others ..	5	54.5	1	5.5	..	..	6	16

Government will keep in view the over-representation of Hindus and under-representation of Muslims and Sikhs at this institution when vacancies are next to be filled.

INTERMEDIATE COLLEGE, GUJRAT.

857. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

(a) the number of transfers communitywise made from the Government Intermediate College, Gujrat, since the appointment of Mr. Hakim as Principal ;

(b) the reasons for these transfers ?

The Honourable Malik Sir Firoz Khan Noon : (a) Five Hindu teachers, of whom three have been replaced by Hindus, one was spare and has been sent elsewhere and one physical training supervisor, has been replaced by a Muslim physical training supervisor.

(b) The interests of the public service.

The honourable member may, however, be interested to know that the Hindu community is still not under-represented in this college, the number of teachers communitywise being :—

<i>Hindus.</i>	<i>Muhammadans.</i>	<i>Sikh.</i>
10	8 (including Principal)	1

Does the honourable member wish that posts and transfers in Government colleges should be arranged on communal basis? If so, it may be pointed out that his own community will suffer. Moreover Government cannot, for administrative reasons, accept the position contemplated by the honourable member.

VACANCIES AMONGST STENOGRAPHERS.

858. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

- the number of vacancies that arose amongst stenographers of the departments under his control;
- whether the posts were created by the reversions of Hindus from these posts;
- whether all these posts have been given to the Muslims?

The Honourable Malik Sir Firoz Khan Noon : (a), (b) and (c). The honourable member has omitted to state the period for which the information is required. These appointments are made by heads of departments and not by the Minister.

APPOINTMENTS IN GOVERNMENT COLLEGES.

859. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

- the number of appointments made in different Government colleges since 31st October, 1930;
- the number of these given to each community?

The Honourable Malik Sir Firoz Khan Noon :

(a) Twenty.	
(b) Hindus	3
Muslims	8
Sikhs	8
Others	6

It will, however, interest the honourable member to know that his community still markedly predominates on the teaching staff of Government

[The Hon. Malik Firoz Khan Noon.]

colleges (excluding the Lawrence College, Ghoragali), the number and proportion of each community being—

Name of community.	Number.	Percentage.
Hindus	126	43·1
Muslims	88	28·4
Sikhs	41	14·2
Others	41	14·2
	292	99·9

The Director of Public Instruction is now being instructed to remove the disproportion that has been disclosed by the honourable member's question.

DIVISIONAL AUDITOR, RAWALPINDI.

860. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

- (a) whether the post of the divisional auditor was created for Rawalpindi division ;
- (b) whether the Accountant-General, Punjab, was asked to recommend a man fit for the job ;
- (c) whether the Accountant-General, Punjab, recommended one Lala Ishar Das for the appointment ;
- (d) if so, the qualifications and the period of service of Lala Ishar Das ;
- (e) whether it is a fact that the recommendations of the Accountant-General were not accepted ;
- (f) if so, the reasons ;
- (g) whether it is a fact that a Muhammadan with no experience of auditorship was selected ;
- (h) if so, his educational qualifications ;
- (i) what pay he was drawing there and what pay was given to him as divisional auditor ;
- (j) whether it is a fact that he belongs to Shahpur district ;
- (k) if so, to which tahsil and village ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) Yes.

(c) Yes ; but subsequently he recommended one M. Anwar Hussain, a clerk of his office. He also considered M. Ijaz Nabi Khan, a clerk of the Currency Office, fit for the post.

(d) (i) M.A. (Hons.) of the Edinburgh University, B.Sc. (Punjab), (ii) about nine years.

(e) No. M. Ijaz Nabi Khan who had rendered more than twelve years' service in various Government offices and was also considered by the Accountant-General, Punjab, fit for the post, was selected.

(f) Does not arise.

(g) No. The man was selected because of his experience as auditor and the important war services of his family.

(h) Second division matriculate.

(i) Before appointment as auditor in the Education Department, Punjab, he was in receipt of Rs. 88 per mensem. He was granted Rs. 85 per mensem on appointment as auditor.

(j) Yes. But does the honourable member wish to suggest that Shahpur is outside Punjab or that no one belonging to the district to which a Minister belongs should receive employments in any of the departments in charge of that Minister?

(k) Village Ukhli-Mohla, tahsil Khushab.

It may also interest the honourable member to know that at present there are five auditors in the Education Department—Hindus two, Muslims two, others one. It is advisable that Government should have auditors who belong to different communities.

MOTION FOR ADJOURNMENT *RE* OCCUPIERS' RATE ON FODDER.

Khan Bahadur Sardar Habib Ullah (Lahore, Muhammadan, Rural).—

I beg to move for leave to move the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, i.e., to disapprove the action of Government in enhancing the occupiers' rate on fodder throughout the province.

Mr. President : I have received the following written statement from Khan Bahadur Sardar Habib Ullah :—

I beg to move for leave to move the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, i.e., to disapprove the action of Government in enhancing the occupiers' rate on fodder throughout the province.

Has the honourable member got the leave of the House ?

The Honourable Sir Miles Irving (Revenue Member) : Government will raise no objection to this adjournment. The question of the appropriate time will perhaps be for your consideration.

Mr. President : What time does the Honourable Leader of the House suggest ?

The Honourable Sir Miles Irving : Government is really in the hands of the House. If the House would prefer to take this time out of the time allotted for the Relief of Indebtedness Bill, Government will raise no objection.

Mr. President : The matter can be discussed either to-day or to-morrow ; it cannot be put off till the 28th.

The Honourable Sir Miles Irving : The only wish I would express on behalf of Government is that it should not be discussed to-day in order to enable us to have the information collected.

Khan Bahadur Sardar Habib Ullah : I suggest that the motion be discussed from 3 to 5 p.m. to-morrow.

Mr. President : Is this suggestion acceptable to the honourable members ?

No objection being raised, the President fixed 3 to 5 p. m., on 27th June 1934 for the discussion of the motion.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

The Honourable Mr. D. J. Boyd (Finance Member) : Sir, I move—

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

Rao Bahadur Chaudhri Chhotu Ram,
Khan Bahadur Sardar Habib Ullah,
Khan Bahadur Nawab Muhammad Hayat Qureshi,
Diwan Bahadur Raja Narendra Nath,
Mr. Manohar Lal,
Sardar Bishan Singh,
Pir Akbar Ali,
The Honourable Sir Miles Irving,
Mr. J. D. Anderson,
Nominee of the Honourable President,
The mover.

Sir, at the last session of the Council it was decided that this Bill should be circulated for opinion. This has been done very effectively and the Bill has been discussed threadbare in the press, on public platforms and in letters of which no less than three good volumes have been distributed to members, and I have no doubt that it will still provide a feast of oratory for the next three or four days. As was to be expected the critics of the Bill fall into two main categories—the agriculturist debtor and the money-lending creditor. But some officials have also taken a hand in the game and one of the severest critics of the Bill is an official, the present District and Sessions Judge of Ambala who has described the establishment of the proposed conciliation board as a pompous utility, and he has been equally severe in his criticism of other parts of the Bill. That is his opinion. I think members of this House will remember that the attitude of the High Court Judges is not one of wholesale condemnation. So far as I can judge the zamindar debtors and their friends would like to see this Bill become law but only after drastic amendment. They regard it as a poor affair, a thing of milk and water without any real power to relieve agriculturists of their debt. They would like something with far more body in it, something like a complete cleaning of the slate. If I remember rightly, two or three years ago in one country in Europe whose circumstances are extraordinarily like those of the Punjab—I refer to Roumania where the main industry of the country is agriculture—in Roumania they did try this experiment of cleaning the slate and the result was a fresh start for the agriculturist on the road to bankruptcy. Within two years, if I remember rightly, the condition of the

zamindars of Roumania was as bad as it was before they tried this experiment of wiping the slate clean, and if we try the same thing in the Punjab, I have no doubt whatever that we will come to the same result. There is another European country where agriculture is the premier occupation, that is, Yugo-Slavia. I have here the issue of "the Economist" of September, 1933, from which it appears that owing to agricultural despression the purchasing power of the peasant of Yugo-Slavia was all but lost, that he was unable to buy and the trader was unable to sell and so on, on which the Government of that country had to declare a semi-moratorium for the zamindar class. First of all they had to step in and reduce the rate of interest. It had often exceeded 24 per cent. Government first reduced the maximum rate of interest. Then the peasant became a little bit better off, but this improvement was counter-balanced by another factor. The semi-moratorium soon hit the little shopkeeper, he passed it on to the big trader, the big trader passed it to the banks and the result was a financial crisis in that country.

There is another country—a country of which the ruler is probably one of the most powerful men in the world except perhaps the Punjab tahsildar—I refer to the President of the United States. Recently I think we have seen a statement in "the Statesman" that the attempt made in the United States to fix prices had failed. I quote these three instances to show that any interference with economic laws is almost as difficult and dangerous as any interference with the laws of nature. You simply cannot do it without risking a very serious catastrophe afterwards. It reminds me of a story of a small place, Shekbadin, which about thirty or forty years ago, became a popular hill station. There were many bungalows built there but the trouble was with the water supply which depended upon a single spring. The visitors got hold of a clever engineer and said: look here, will you see what you can do to improve the water supply of this town. The clever engineer went down and treated the spring with gun-cotton, but after the explosion the spring had disappeared. That is very likely what will happen if we try any heroic measures as a cure for our present economic depression. We will find that the spring of credit has disappeared and the latter state of the zamindar will be worse than the first.

I think our zamindar critics who will no doubt be pretty severe upon us might keep one fact in mind. It is this, that they already enjoy an extraordinary degree of protection in the Punjab Alienation of Land Act. There are very few peasants indeed who enjoy a privilege such as this which not only puts a reasonable limit upon their credit and so prevents them from accumulating excessive debt but also prevents their property from sale in execution of a decree.

While it appears to be the view of the agriculturist debtors and their friends that this Bill is an anæmic affair and does not go nearly far enough, money-lenders, on the other hand, think that it goes very much too far, and that there is hardly a word in their vocabulary strong enough to describe its wickedness. They regard it as undermining the sacredness of contract and a total negation of justice. I think that if they pause to consider for a moment or two the circumstances in which this measure has been brought in, they will be convinced that there is a good deal more to be said for it.

[The Hon. Mr. D. J. Boyd.]

than to call it wholesale robbery. In the present position we have a practical moratorium. We all know that the money-lender is finding it very difficult to recover his debts. He can recover very little because the zamindar unfortunately has very little to pay with and the business of financing agriculture has come more or less to a standstill. If this Bill operates to bring debtor and creditor together and to make possible a reasonable composition of debts, then we may hope that confidence will revive, that the business of financing agriculture will commence again, that some beginning will be made with the process of repayment and that the business of both the agriculturist and the money-lender will revive to the mutual advantage of both. I do not think that the Bill is going to be an unmixed evil for the money-lenders, and I urge members to look upon it in this light.

One thing has struck me in reading the opinions that have been sent to us about this Bill and that is that one might infer that there is an irreconcilable antagonism between the agriculturist and the money-lender. I think that that is a most

11 A.M.

unfortunate impression and I hope that nothing will be said in the debate to embitter the feelings between these two parties. (*Hear, hear*). The truth seems to me to be this—I speak of the villages. The truth is that the money-lender is necessary for the agriculturist and the agriculturist is necessary for the money-lender. They depend upon each other for their prosperity. The prosperity of the one is reflected in the prosperity of the other. Their interests are to a great extent identical. My experience also is that in a great majority of cases in the villages their relations are distinctly amicable. The money-lender shows consideration for his client and the zamindar honestly pays when he can. But the present position is by no means a normal one and the Government has been compelled to bring in this measure partly to meet the present abnormal position and partly because it is true that some money-lenders are rapacious and therefore we must do what we can to see that interest is fixed at fair rates, and that swollen claims are not admitted by the courts.

There are only one or two details that I would like to mention so that the House may understand the attitude of Government towards this Bill. The general attitude of Government may, I think, be said to be that Government are quite prepared to consider any proposal coming within the scope of the Bill which will be a helpful contribution towards the solution of the problem. They have no doubt that the questions raised will be discussed and examined in the select committee and any proposal made by that committee will certainly receive most careful consideration of Government. We are not wedded to the particular terms of the Bill and we will be very glad to consider any reasonable amendments that are proposed. This is true with regard to the Bill generally. It is also true with regard to the various parts of the Bill. In the matter of fixing the maximum rates of interest, the attitude of Government is that they are not committed one way or another to the rates included in the Bill. They are prepared to consider all reasonable arguments for raising or lowering the maximum, and if the select committee makes any recommendation in this respect, they will certainly give close consideration to it. So also with regard to the conciliation boards. Government themselves do not regard this as a solution of

the problem. They are frankly not able to form an estimate of the benefits that may result from them. They consider that they may provide a possible means of relieving the problem in some districts. If, however, the Council considers that they will not serve any useful purpose, Government will not regard them as an absolutely essential part of the measure.

There is one other matter which I have noticed urged fairly prominently in the criticisms that have been passed upon the Bill and it is this: A suggestion has been made that the conciliation boards may be turned into insolvency courts, that they may take a census of the debts of the zamindar debtor and also his assets and distribute the assets rateably, always with reference to the provisions of the Punjab Alienation of Land Act. This is a suggestion which the Council may care to consider. Government has got an open mind in this matter as in all others and will consider any suggestions that are made in respect to this point very carefully. (*Hear, hear*).

Mr. President: Motion moved—

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

Rao Bahadur Chaudhri Chhotu Ram,
Khan Bahadur Sardar Habib Ullah,
Khan Bahadur Nawab Muhammad Hayat Qureshi,
Diwan Bahadur Raja Narendra Nath,
Mr. Manohar Lal,
Sardar Bishan Singh,
Pir Akbar Ali,
The Honourable Sir Miles Irving,
Mr. J. D. Anderson,
Nominee of the Honourable President,
The mover.

Mr. Muhammad Din Malak (Lahore City, Muhammadan, Urban):
Sir, I beg to move—

That the Punjab Relief of Indebtedness Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1935.

Mr. President: The honourable member's amending motion is out of order, inasmuch as, after a Bill has been circulated for the purpose of eliciting opinion thereon, on a motion under Article 81 or paragraph 2 of Article 83 and opinions are received thereon, the procedure to be followed is that laid down in paragraph 3 of Article 83 and not that laid down in paragraph 2 of that Article. Similarly, after the presentation of the final report of a select committee on a Bill, the procedure laid down in Article 89 is to be followed. I hold, therefore, that the honourable member's amendment is out of order, inasmuch as, it is inconsistent with the procedure laid down in paragraph 3 of Article 83.

Mr. Mukand Lal Puri: Is there anything in paragraph (3) of Article 83 which prohibits a member moving the amendment? What Article 83 (3) says is that the member in charge of a Bill can drop it if he so likes and if he does not like to do so, he can only move that the Bill be referred to a select committee.

Mr. President: Under what rule or standing order can he move his amendment?

Mr. Mukand Lal Puri : Under part (b) of Article 83 (2).

Mr. President : But that provision relates to an earlier stage and is no longer applicable. So, the honourable member can oppose the motion, but he cannot move an amendment.

Mr. Muhammad Din Malak : While I bow to your ruling I may point out that paragraph (3) of Article 83 only restricts the honourable mover's discretion. He can do nothing else except to move that the Bill be referred to a select committee. He cannot ask for the circulation of the Bill nor can he move for its consideration. I think under paragraph (b) of Article 83 the rights of other members are not fettered.

Mr. President : How does that right arise? It is expressly stated in paragraph (2) of Article 83 that if the member in charge moves such and such a motion, any other member may move such and such an amendment. In other words, certain amendments are expressly provided for. But where it has not been expressly provided for, as in the present case, how can it be presumed, that the honourable member has a right to move the amendment?

Mr. Mukand Lal Puri : In Article 82 (1) it is said—

“.....No motion that a Bill be referred to a select committee or be circulated or be recirculated for the purpose of eliciting opinion thereon.....”

What is the meaning to be attached to the word “re-circulated” if your view is correct?

Mr. President : The honourable member will please refer to Article 89. Article 82 governs not only Article 83 but all articles relating to Bills.

Mr. Muhammad Din Malak : To the extent the Bill before the House professes to help the zamindars not only the zamindar members of the House but also one could affirm on the warrant of past experience that the House as a whole must be in entire sympathy with it. That of all the classes the zamindar class has suffered and continue to suffer most terribly from the effects of the world depression may not be denied. Nor can it be denied that in a country where more than 75 per cent. of the population live on land the poverty or the affluence of the zamindar is bound to react on its economic equilibrium. In India generally and in the Punjab particularly, the condition of the zamindar may be taken to furnish the economic barometer of the province: If the zamindar is solvent, the province is solvent, if the zamindar is insolvent, the province itself must be insolvent. It follows then that by helping the Punjab zamindar you are virtually helping the whole province, and therefore nobody in his senses will or can oppose the Bill. But, then, the question is whether the passing of this Bill will achieve the object it professes to have in view. Since 1884 off and on Government have been showing an interest in this direction. The Agricultural Debt Act, the Land Alienation Act, the Co-operative Societies Act and the Money-lenders' Account Regulating Act are instances in point. But has any of these Acts singly or all of them collectively effected any tangible improvement in the condition of the zamindars? The reply must necessarily be in the negative, and this was so evidently because neither the diagnosis of the disease was correct nor the remedy devised and applied was correct. Again since *Kharif*, 1930, Government have, in one shape or another, remitted about 6,13 lakhs of rupees. Have all these remissions brought any relief to

the zamindar? I am afraid the reply again must be in the negative. For one thing the distribution of these remissions had been carried out in a most haphazard manner. The chief beneficiaries were the big and influential zamindars and what little was suffered to go to the holders of small tenements never reached them: it was more often than not pocketed by the petty district officials, for whom it was easy enough to obtain thumb impressions in acknowledgment of receipt by them of their shares of the governmental dole. These remissions would have served some purpose if they had been to reducing the zamindars' debt. The Bill before the House does not pretend to touch even the uttermost fringe of past debts which at the most conservative estimate must amount to about 1,90 crores of rupees and therefore, it does not envisage zamindars' return to solvent conditions. Roughly, the chief benefits it claims to confer or aims to confer are suspension of the accrual of interest in some cases, curtailment of the rate of interest in a few others and refusal to award decrees for more than double the amount of the debt.

The total amount of annual interest on the zamindar's debt alone must be somewhere in the neighbourhood of 80 crores of rupees. While it is impossible for the zamindar to pay this huge amount, it is equally impossible for the money-lender to forego his claims either voluntarily or through legislation. So long as the millstone of this huge debt remains tied round the neck of the zamindar, there is no hope of his salvation. The very idea, the very thought, that howsoever much he may economise, he cannot discharge his liabilities, makes him desperate. His present dare-devil attitude, his want of prudence, his want of frugality may all be traced to this poignant realisation on his part. The causes responsible for zamindar's indebtedness are manifold, which however need not be gone into at this moment. The aggravations of his present plight are mainly due to the reactions of the exchange, to the questionable handling of funds by the great banking houses, to a fictitious rise in the value of the money and the consequent heavy fall in prices of agricultural produce. The provincial Government may not be competent to tackle some of these causes, such as linking of the rupee to the sterling or the financial dealings of the banking world. But what it may comparatively easily do is that it can create a sort of sinking fund called the Rural Debt Settlement Fund to which may be appropriated, firstly the savings resulting from a drastic curtailment of the expenditure of the Government and secondly the savings of the indebted zamindars themselves and this sinking fund might be used for wiping off the debt. As regards the first kind of savings I would suggest the following retrenchments:—By reducing two of the three chief engineers you can save Rs. 5,02,200 from the open canals and Rs. 1,00,940 from the Sutlej Valley. By retrenching the cadre of superintending engineers you can save Rs. 5,11,000 from open canals and Rs. 9,400 from the Sutlej Valley. If you reduce one of the Financial Commissioners you will save Rs. 1,71,850 while by retrenching the cadre of commissioners you can save Rs. 8,78,000. The Inspector-General of Prisons might be retrenched and his supervisory functions handed over to the Inspector-General of Civil Hospitals and this will give you a saving of Rs. 1,10,100. The posts of Director of Industries and the Director of Land Records might be abolished which would give you a saving of Rs. 75,700 and Rs. 68,600, respectively. The total savings resulting from these suggestions, if carried out, would

[Mr. Muhammad Din Malak.]

amount to Rs. 20,17,790; and if the salaries generally are reduced to pre-war level, substantial reductions are made in certain other departments such as the Forest Department, real retrenchments made in the number of officers and staff who at present accompany the Government to Simla and lastly if the newly created department of Rural Uplift is abolished another sum of Rs. 10 lakhs may be easily managed. This will give you a grand total of Rs. 30 lakhs a year. As regards the second kind of savings, I would suggest that zamindara boards may be appointed at convenient centres throughout the province. Such boards already exist in other agrarian countries for instance, Africa, Canada, Australia, America and other countries. These boards might be vested with the power to control the expenditure of the indebted zamindars, to eliminate the possibility of their contracting any fresh debts particularly unproductive debts, and after seeing to their day to day wants and seasonal requirements to transfer to the Rural Debt Relief Settlement Fund their surplus savings. In a few years time, I do not see why it should take more than ten years, a fairly large sum will have become available, as a result of the yearly accumulations made up of the joint savings of the Government and the debtor zamindars. A special committee may then be improvised composed of officials, representatives of the zamindars and the representatives of the money-lenders to effect an equitable settlement. This done, the Government can cease to contribute towards the Rural Debt Settlement Fund though the Fund itself might continue until the Government are either wholly or partially reimbursed by the debtor zamindars. When the Government have shown their solicitude for the welfare of the zamindars in a practical manner like this it would be time for them to ask the money-lenders to forego a portion of their claims. Unless and until there is not only a likelihood but almost a certainty of the money-lenders realizing his dues you cannot expect him to make any appreciable reduction in his claims. Open to him the prospects of speedy payment in hard cash and you will find him and his business instinct willing to accept any scheme of reasonable settlement even though he gets something between four to eight annas in the rupee. By evolving a scheme like this you can effectively help the zamindar not only with respect to their past debts, but also with regard to his future. Having once become accustomed to carry on with reduced establishment you may continue to stick to it even after you have ceased to pool anything in the Rural Debt Settlement Fund, and this will enable you to make a corresponding decrease in the land revenue assessment without having recourse to any fresh taxation. These are not times for half measures or timid measures. The Government must face the situation boldly and conscientiously. A feeling is already abroad that the underlying object of this Bill is just to ensure that the money-lender does not harass and embarrass the zamindar to the limit that the latter is rendered incapable of meeting the land revenue demands. It is said that in promoting this Bill Government are not concerned with promoting the welfare of the zamindars but that they are concerned with promoting their own interests and that it is a misnomer to call it the Punjab Relief of Indebtedness Bill, it would be more appropriate to call it the Land Revenue Recovery Facilitating Bill. As to how much retrenchment can be made without sacrificing the efficiency of the administration it will of course be for the Government to determine. Some of the items suggested by me might be con-

considered impracticable but I venture to submit that a majority of them could be given effect to. It has been claimed for the Government that they have made drastic retrenchments in recent years but from the non-official point of view not only these retrenchments were not drastic, they were not even adequate. The fact, however, that at long last it was found possible to make these retrenchments, without impairing the efficiency of the administration, shows only too plainly that for years there had existed room for these retrenchments and yet the Government had culpably failed to carry them out until the province had been actually overtaken by a crisis. However, it may be, if the Government's professions of sympathy with the zamindars, have their origin in something better than mere crocodile tears they can surely find out ways and means to help them in a substantial manner and the best of all manners is to bring down their expenditure and make the resultant savings available for the benefit of the zamindars. The Sutlej Valley Project has long been finished and the so-called agreement with the Bikaner and Bahawalpur Durbars to keep a separate Chief Engineer to look after that project stands fulfilled.

Diwan Bahadur Raja Narendra Nath : Is the honourable member discussing the principles of the Bill to which the discussion must be confined?

Mr. Mukand Lal Puri : Certainly he is suggesting an alternative remedy.

Mr. Muhammad Din Malak : Yes, this is the only occasion when I can discuss these things. Now, Sir, this alleged agreement between the Bikaner and the Bahawalpur Durbars stands fulfilled, an agreement which has time and again been flaunted across the floor of the House by the Honourable Revenue Member. But has it ever occurred to the Government to pause for a moment and consider whether they were justified in keeping on the third chief engineer? No new constructions are at present going on and there is no earthly reason whatever for keeping the full complement of three chief engineers intact. Further whatever justification originally there might have been for creating the post of Financial Commissioner, Development, there are no new colonies in the course of development now nor is there any new canal system in hand to develop a new colony, and yet he is still there and nobody dare touch him. Then again, it is for the Punjab Government to consider as to why they cannot follow in the footsteps of the Government of Bombay who in the interests of economy have dispensed with the conveniences and the comforts afforded by the hot weather moves to Mahabaleshwar. The least you can do is to make a drastic curtailment in the number of recessing officers and required officers who at present accompany the Governor to Simla. If the Government must spend the summer at Simla, in the interests of economy, in the interests of the poor zamindars particularly and the rate-payers generally they should stop the practice of allowing all the heads of departments to accompany them. They should confine this privilege to the principal Secretaries of the Civil Secretariat. As it is, this privilege has come to be regarded as a legitimate perquisite for all the heads of the various departments. It is in view of these considerations that I ask the House to throw out this Bill. It is because I honestly feel that the Bill as it now stands framed cannot, does not, and will not bring any real relief to the zamindars, it is because it is my honest conviction that this Bill needlessly creates and mischievously aggravates class hatred that I oppose it. It will be more waste of time and expenditure to proceed with it any further.

Chaudhri Allah Dad Khan (Ambala Division, North East, Muhammadan, Rural): Sir, I rise to support the motion under discussion moved so ably by the Honourable Finance Member this morning. There is no gain-saying the fact that the condition of zamindars is sinking and the zamindar is being drowned every minute. Do you think that legislation brought to save a man from sinking in the sea is a class measure? Do you think that any attempt made to save the zamindars from the clutches of poverty from which he himself can never come out, is a class measure, a measure showing favour to a particular class? I do not think any civilized Government in the whole of the world can ever lose sight of the fact that unless you save the peasantry, the back-bone of the Government, neither the Government nor the general public can exist. Those members who are interested in the welfare of the zamindars and those members who are pro-money-lenders and are interested in the welfare of the money-lenders, if all of them do not join to promote measures that can save zamindars, then I say that destruction is quite in sight and they will regret. On other occasions all our friends of non-agriculturists classes have been showing lip sympathy for the zamindars and just now the Honourable Finance Member made it clear that the welfare of both the money-lenders and the peasant is interconnected and the prosperity of the one depends on the prosperity of the other. Thus if you are making an attempt to save the zamindars from the serious menace to their very existence you are making at the same time an effort to save the money-lenders from the very destruction that stares the zamindars in the face. So, why should sensible men take exception to a measure of this type? On other occasions these gentlemen have shown lip sympathy for the zamindars but today I see they are up in arms against a measure which is intended to promote or improve the hopeless condition of the zamindars. Just as a poet says:—

مگر کے مدعی بتاتے تو جو اہل وطن کل تک | چڑھائے آستین اب ہر سر پٹکار بدلتے ہیں

Just see whether this is an occasion to take action against zamindars. The arguments advanced by my friend the honourable member for Lahore, who is by my side are so hollow that in fact no answer is needed for them. But some of these arguments are very amusing and I would just briefly touch them. For instance the honourable member says he has proposed a number of suggestions as alternatives to this good Bill. He says that if the Government acts upon these suggestions it will save nearly a sum of Rs. 30 lakhs. But I do not think some of them can be practically followed. For instance, the reduction of the post of the Financial Commissioner was so much debated in this very House. This Council found that the existence of both the Financial Commissioners was necessary. I do not see why the honourable member has brought in this question when the proposal has already been discussed and decided and has been totally rejected by this very House. To bring this up again before the Council is nothing but a reflection on the prestige of the House. But, supposing that all these suggestions were acted upon by the Government—I doubt very much if the Punjab Government is competent to carry out any of these suggestions—but, suppose they are carried out by the Punjab Government, the honourable member says that this will result in a saving of Rs. 30 lakhs a year. Well I take him at his word and I prefer to think that it is correct. But supposing Government

saves 80 lakhs a year, but what is your total amount of debt? It was 135 crores in 1929 and by this time it has risen to over 200 crores. Now imagine the interest on this sum. If you want to deal with money-lenders, then, the average rate of interest would be 15 per cent. On this huge amount of debt the total amount of interest during the year comes to over 25 crores of rupees.

If you save Rs. 80 lakhs by crippling the efficiency of the Punjab Government, it would be a drop in the ocean and the debt of the zamindars will go on increasing if the Government were to act upon the suggestions which have not been made in a responsible spirit. The remedy is worse than the disease and the measure is not at all one meriting the serious consideration of the House. The suggestion seems to me to have been made in a light-hearted manner without thinking of the consequences that would result to the Government as well as to the whole population of zamindars.

There is no greater matter for amusement in the speech of the honourable member than that which touches the Acts that have been passed by the Government for the benefit of the zamindars. He says the Taccavi Act of 1888, the Land Improvements Loans Act of 1884 and the Alienation of Land Act have not helped the zamindars in the least. This is dense ignorance. I maintain and I can quote the authorities of the honourable Financial Commissioners besides others that if this Act had not been passed, the zamindar class would have been effaced by this time and all the land would have passed into the hands of non-agriculturists and the zamindars would have been hewers of wood and drawers of water.

There would remain only a portion of the zamindar population and the rest would have gone to hell or heaven, I do not know which. Take this argument in a converse way. Abolish the Land Alienation Act to-day. Within five years you will see that not a bit of land remains with the agriculturists. The non-agriculturist classes have pressed many a time for the abolition of this Act. The result would be that in five years not a single kanal of land would be with the zamindars. I am sorry that my honourable friend from Lahore, Mr. Muhammad Din Malak, is not here in his seat. Perhaps he was afraid of the force of my argument and felt that he could not stand it. That is of course the best way, for, Saadi says, there—

دعای پیش مرد آمدن درد وار | دوم جان بدر بردن از کار زار

There are two methods of fighting. The first is to go before your adversary with your full armoury. The second one is to run away as fast as you can. My honourable friend has acted on the second alternative because it is a safe one. Anyhow I say that no honourable member of this House, be he a zamindar or a non-zamindar, can plead that the Land Alienation Act has been of no use. My honourable friend Raja Narendra Nath was a deputy commissioner and he should have seen how land is rapidly passing even in spite of the Land Alienation Act into the hands of money-lenders. Think of what hell they would have created if this Act were not in existence. The zamindars pinched by necessity are prepared to pay anything, to pawn anything, their honour, their land and everything to the money-lender provided they get the money they need. The money-lender may say, I will take your land and I will arrange it as a benami transaction. I will ask some zamindar to take it at a certain amount of money in his name. The

[Ch. Allah Dad Khau.]

zamindar agrees and asks him how much he would charge. Rupees thirty he says. No, no, says the zamindar, Rs. 3. Ultimately they will agree for Rs. 5, 6 or 7. The Land Alienation Act is in full force in the province and we have urged in this Council that it should be strictly enforced. Even with the Act this is the condition of the zamindars. The honourable member is a representative of the zamindars and he must know their condition. When he says that the Land Alienation Act has been of no good it is reprehensible ignorance. Then the honourable member says that the remission of Rs. 6 crores given by Government in various years ranging from 1930 up to the present time has not done any good to the zamindars. The zamindars know how they have been saved thereby. And they have appreciated the action of the Government in the press. I happened to talk to a zamindar once when the remissions were given. I said the Council had been at great pains to give relief to the zamindars. I am very sorry, I said, that owing to the financial condition of the province we in Council could not give you more help than saving you about 4 anna in the rupee. He replied that the zamindars valued this help very much as even a pice saved was relief to them. The honourable member living in the capital city of the Punjab may say that the Act has not done any good to the zamindars. The zamindars know that even half a loaf that has been given to them is better than no bread. On hearing the honourable member's speech I was reminded of the Greek philosophers, the Stoics, who said that if a man got ill it was no use attempting to cure him but that he should be killed. This doctrine has been exploded and we see now there are a number of hospitals and medical men successfully saving men from the clutches of death. Those philosophers, however, said that a man who was seized with illness became a diseased member of the society and so should be killed. On the same lines my honourable friend says, if the zamindars' debts are not wiped off in full, they should die and no help of even a small kind should be extended to them. It would have been straightforward of the honourable member to have said that his sympathies lay with the money-lender and so he was opposing this Bill. I would have welcomed that straightforwardness. The drowning man should clutch at a straw and so we the representatives of the zamindars are thankful for even small help. We realise that by the force of circumstances through which the world has been passing the zamindars have been put to a very serious condition and any little help afforded to us goes a long way. I do not say that the money-lenders have been stone hearted. There are money-lenders even among the zamindars. My honourable friends showed that some 40 per cent. of the money-lenders belonged to the zamindar class and the rest were non-agriculturists. I ask, why then should the non-agriculturist money-lenders attack this Bill?

The other argument of my honourable friend was that he was asking Government to make certain reductions in their expenditure. One argument was that the salaries of all services under Government should be reduced. Even if the Government has any mind to reduce the salaries to the pre-war level, it should be realised that when the salaries were increased it was done permanently and there was no indication that it was for a certain number of years. Government therefore say that they cannot go back upon the contract. Again, even if the Punjab Government is inclined to take that step

there is the Government of India. There are the States who would still give them a job. Indian Civil Service Officers are under the Secretary of State and the Parliament. I, therefore, think that the suggestion is not worth the serious consideration of the Punjab Government. Of course, for the provincial services the rates have been reduced for new entrants and the Punjab Government can do only this much. Whatever the Punjab Government saves will be barely enough to ameliorate the lot of the zamindars of the province. In their present condition, how can the Government expect or any one imagine that the debt of Rs. 200 crores which is outstanding now would ever be repaid by the zamindars?

The land revenue of the Punjab is $4\frac{1}{2}$ crores. The debt is fifty times the land revenue of the year and the zamindar in one harvest with the greatest economy can pay the land revenue of one crore and the debt is 100 times the land revenue. When the zamindar cannot pay land revenue of one crore, how can he pay up the debt which is as much as one hundred times the land revenue? He cannot possibly pay it. There must be some measure thought of by the Government as well as by the members of this House and if it is a wholesome measure we must accept it. The Honourable Finance Member just now pointed out that even the sub-judges who belong to the money-lending classes have supported the Bill, and if there are some that have opposed it, their number is insignificant and can be safely ignored. But look at the majority of the executive officers, sub-judges, sessions judges, in fact every public man, member of the money-lending classes, who have welcomed the Bill. I tell money-lenders—and they know it—that it is hopeless for them to recover their debt from the zamindars. No zamindar can pay up his debt. When he pays his land revenue with great difficulty he knows that he cannot pay 100 times of land revenue during the whole of his life. How can you possibly recover this amount which is increasing every year, every month, every week, every day, every minute? How can you expect to recover all this debt from the land owners? It cannot be recovered. The question is whether you are willing to lose a portion of it or whether you are willing to lose the whole of your debt. If you want to take the latter attitude you are welcome, but the safer thing would be to make an attempt to make as much out of it as the circumstances allow. Under this measure when the burden of debt is lightened whether by conciliation board or by other means suggested in the Act, when the burden has been lightened, the zamindar will try his best and make payment, because the "grinding mill" which was the expression used by my honourable friend (Mr. Muhammad Din Malak) of debt is pressing most heavily on him. If you lighten it, perhaps the zamindars will be discharging the revenue and the simile applied by my honourable friend can aptly be used here too. Supposing there is a labourer carrying uphill a very heavy load which is crushing him. If you let him go, he will perhaps not be able to go and will die on the way or will give it up in despair, but if you lighten his weight by half or by even one-fourth, he may possibly carry it to the summit. So it is with the zamindar. If you lighten his weight when you find that he is unable to carry it further, he may be able to carry it on, and perhaps in that way the money-lending classes will get something out of the poor zamindar, but if you resist all measures, if you resist every effort, that is made for increasing the income of the zamindar, you are cutting not only the legs of the zamindar but your whole resources.

12 noon.

[Ch. Allah Dad Khan.]

Then incidentally a remark was made that there is no need for the Commissioner for Rural Reconstruction. On financial grounds I also take this view, but I may also tell my friend that if this department is carried on economically, it will be able to increase the income of the zamindars and it will increase his output, and then it will be a most welcome department. At one time I was opposed to it but thinking that the zamindars will not be able to live under this heavy load of debt and the heavy liabilities owing to reduced income on account of the fall in prices, they will not be able to pull on any longer, I have come to the conclusion that this measure is a measure for ameliorating the conditions of the zamindar and if the Commissioner of Rural Reconstruction carries it on with as much economy as possible and does not think of living in luxury, I think this little expenditure is justified. So far as the cutting down of other expenditure is concerned, Government should make every effort, but I think this particular department will not be a burden to the agriculturist. My zamindar friends who have happened to talk to me outside the Council have told me that this measure is not sufficient, so they would rather not have it. My advice to them is: "Take this and devise other means. You are welcome to make suggestions. Take what you get and agitate for more." Now the Bill is going to a select committee where I have no doubt it will be improved in some respects and if you are keen on making more improvements make suggestions to the select committee or when the Bill comes before you again you can make your suggestions, but to state that because it does not solve the whole problem therefore it should be thrown out is a counsel of despair, and is an advice which will not appeal to anyone who thinks seriously. This is sufficient, I suppose, for meeting the arguments of my honourable friend.

As to the general merits of the Bill itself many zamindars have said that Government has come forward with half measures, but I say Government cannot go beyond this. After all the Government has to look to the interests of both the zamindar and the money-lender. Government is not composed of zamindars. It has made every effort to save the zamindar and I am glad it has come to its help in time, though a little late but still in time, because still the zamindar exists and this attempt can save him.

I have said that the Bill is a wholesome measure and that if it is passed into law, both the zamindar and the non-zamindar will be benefited by it and the sooner it is passed the better for all concerned. I say this Act will not wipe out the whole debt, and after a time the non-zamindar can bring forward another measure to repeal it, for, by then, the burden of the zamindar will have been lightened, but at this time to oppose it is perhaps to do like the man who cuts his own feet. The zamindars will again be able to make payments and the condition of the non-zamindars will again improve. You must welcome the present measure and must give it a willing support. Then the zamindar will be thankful. He will say, you came to my rescue in time of need, I appreciate your kindness and your generosity. And when the zamindar is in a better position you can get this Act actually repealed. Then will be the time for you, but at present when the poor zamindar is sinking, it is your duty to save him. All the income of the money-lenders, whether they be zamindars or non-zamindars, all their huge palaces are built upon the life-blood of the zamindar, either in the shape of usury or interest.

When these people are crying, cannot you make a little sacrifice? We are not asking you to forego the whole of your amount. Make a little sacrifice. You must, even if for no other reason, at least out of consideration for the benefits which you have received so far from the zamindar class. I say Government is showing its appreciation or gratefulness for the part the zamindars have played in the strengthening of the position of the Punjab Government. It is the zamindars upon whom the Punjab Government has depended and upon whom Government was built and it is good of Government to show its practical sympathy by a measure like this. The money lenders also have lived upon the zamindars and now that the Government is doing its part to relieve the distress of the zamindars, what does the non-agriculturist propose to do for them? It is not fair that the House should leave them in the ocean to be drowned. I am glad that the honourable members on this side profess sympathy for 40 per cent. of the money-lenders who are non-agriculturists. Let them show a similar sympathy for the zamindars who have been the backbone of this province up to this time. There are times when the money-lenders can afford to be shylocks, when they can extract the last drop of blood out of the zamindars. But this is not the time for it. I now warn the members. See how many money-lenders have been killed during these years! This is due to the very hard measures they have been adopting for recovering the debts. If this state of things continues, their very existence will be wiped out of the face of this earth. Therefore, even if the honourable members wish to show practical sympathy to the money-lenders, they cannot do so better than by supporting the Bill. If the Bill is not adopted, if the volume of debt remains as it is and is even allowed to increase and if the money-lenders adopt coercive measures to recover the debts, there will be more murders and misery for the money-lenders. I would therefore advise the honourable members to act with foresight like men of practical experience. With these words I make an appeal to the sentiment of the House and I hope it will give its whole-hearted support to this measure instead of adopting destructive measures. I would suggest that it is well that the Bill is passed even during the present session, sitting for two or more days if necessary. If as a result of the working of this Act it is found that it is injurious to the interests of the province, then a repealing Bill can be brought forward. There is no harm in passing the present Bill. If you adopt this Bill it will be only showing practical sympathy and consideration not only to the zamindars but for the money-lenders also. With these words I support the motion before the House.

Mr. Mukand Lal Puri (Punjab Industries): Sir, a committee was appointed by the Punjab Government in March 1932 to examine the recommendations relating to the relief of indebtedness made by the Royal Commission on Agriculture, the Royal Commission on Labour and the various banking committees and to submit proposals to the Punjab Government in connection therewith. The committee considered the various proposals and spent a good deal of time in reading through these reports and other literature on the subject and came to the unanimous conclusion that there was very little prospect of relief from debt to the agricultural population until the industries of the province were developed and subsidiary occupations were provided for the agricultural population. It will be observed from

[Mr. Mukand Lal Puri.]

paragraph 47 at page 15 of the Report of the Committee on Indebtedness. that the committee recommended—

Finally we wish to point out, that it is partly the concentration of population on agriculture which has contributed to widespread indebtedness of the poorer classes of the Punjab and that until it is possible for the people to find remunerative occupation as an alternative to or in conjunction with agriculture there will be little prospect of permanent relief from debt. * * * We do not make specific suggestions because we realise that as we are without technical knowledge our suggestions would be of little value, but we wish to emphasise the vital importance of this work and the necessity of doing everything possible to help the industries of the province.

It was felt that these were times of financial stringency and retrenchment, and the committee went on to recommend—

This work is an attack upon the roots of the main economic disease of the province, and times of financial stringency and retrenchment should not be allowed to cause any curtailment of the work.

Thus the unanimous recommendation of the committee was that the real remedy of the disease was the encouragement of industries of this province and the provision of subsidiary occupations for the rural population. This point was emphasised in a note which I appended to the report. May I just refer to a short extract from that note, in which this point was emphasised—

On account of conditions inherent in the nature of holdings in this province and the natural conditions on which agriculture depends, our agricultural population cannot in our opinion be actually prosperous or relieved of its indebtedness unless some subsidiary occupations are found for them. In our opinion even if the entire agricultural debt of the province could be wiped out at one moment by a decree of the legislature the agricultural population would again become indebted in a few years time to the same extent. We are strengthened in this opinion by the experience of other countries as well as by a study of the relevant literature on the subject. Mr. Darling in his admirable book 'Punjab Peasant in prosperity and debt' after comparing the conditions of debt in the various parts of the province comes to the conclusion—

'Broadly it may be said that, without this second string to his bow (i.e. a subsidiary occupation) the Punjab peasant proprietor must always be in debt. Even when considering the indebtedness in the various tahsils of the same district, e.g., Hoshiarpur, he found that in Hoshiarpur and Garhshankar tahsils where the population has got subsidiary occupation the indebtedness is comparatively much smaller than the indebtedness in other tahsils.'

Mr. Darling again points out in his admirable book—

Our second conclusion is that the peasant proprietor cannot keep out of debt unless he is exceptionally industrious and frugal, or has a second string to his bow. This fact has again and again been stressed in the course of our enquiry, and so far as the Punjab is concerned, it is abundantly proved by what we have encountered in different parts of the province. We have seen that where industry is unflagging and habits frugal, as amongst the Mahtons of Jullundur and the Ahirs of Gurgaon, or whereas in Rawalpindi, men are accustomed to emigrate or enlist, debt is comparatively light: but where these factors are absent, the peasant is largely dependent upon the money-lender. * * * In Japan where 96 per cent. of the cultivators live on less than eight acres, more than one-third of the farming population keep themselves afloat by the rearing of silk worms. In Italy and France sericulture plays a similar if less important part, as also does the making of toys in Germany and Russia.

Mr. President: Is the honourable member reading from a book?

Mr. Mukand Lal Puri: I am reading an extract from Mr. Darling's book which is embodied in my note to the report of Punjab Indebtedness Committee.

Mr. President : This report has, I believe, been circulated to members.

Mr. Mukand Lal Puri : It has been circulated to honourable members. In fact, it is on the basis of this Report that the present legislation is framed.

In other countries it has been met by the development of the more intensive forms of farming implied in market gardening, dairying and stock-breeding.

May I ask what the Punjab Government has done to implement this unanimous recommendation of the committee to which both officials and non-officials, zamindars and non-zamindars were parties? Have the Government done anything in the year 1933 or 1934 to provide any more money than in previous years to foster the industries of this province? Have they set up even an expert committee to enquire as to what subsidiary occupations could be provided for the agricultural population? In spite of what the committee appointed by the Government unanimously recommended as the root cause of the disease, in spite of the fact that the committee recommended that the times of retrenchment and financial stringency should not be allowed to stand in its way, the Punjab Government has not since the report was submitted, taken any action on this recommendation. Instead of giving effect to this agreed solution, the Punjab Government has come forward with proposals based on recommendations about some of which the committee themselves felt sceptic and about most of which the members of the committee were divided in opinion and about some of which the best economic opinion in the world is at hopeless variance. This is not a proper manner of dealing with the unanimous recommendations of a committee. Before proposing legislation on matters on which the opinion was sharply divided it was expected from the Punjab Government, if they really wanted to find a solution of this difficult problem, that they would take the Council into their confidence as to what they thought of this recommendation. But not only have they not done anything, but I may be pardoned for saying that they do not appear to have made any attempt to find out if this recommendation was useful or practicable.

Now coming to the question of the relief of indebtedness in this province, it will be noticed that the Punjab Government has not at all put forward any proposals for the relief of indebtedness in general but has confined itself to the relief of indebtedness of a particular class of the population of the province. How far is such a course justified? How far is it equitable? Suppose a zamindar is indebted to the money lender of his village to the extent of say Rs. 5,000. The Government in the first place proposes to create for him difficulties in the way of realisation, secondly, has put forward suggestions for scaling down his debts and ultimately provides machinery for wiping out those debts. But having done so it does not afford any relief to the poor money-lender against his creditor. It may be that the zamindar to whom the *sahukar* has advanced money possesses assets to the tune of 2 lakhs of rupees, whereas the total assets of the money-lender who has advanced the sum of Rs. 5,000, may not exceed Rs. 10,000. He might have as is most often the case, borrowed the amount at 9 per cent. himself and lent it at 12 per cent. But the Punjab Government does not propose to give him any relief. Let the Punjab Government, if it genuinely wishes to give relief against debt, give relief to every one who has suffered by the present depression. If a zamindar whose assets exceed 2 lakhs stands in need of relief at the hands of his *sahukar*, relief must not be denied to the *sahukar* whose assets amount only

[Mr. Mukand Lal Puri.]

to Rs. 10,000, and who has equally borrowed money from a bank or a bigger *sahukar* in the town. Reduce the rate of interest by all means, if you like, but will you kindly give the same facilities to the *sahukar* against his creditor as you give to the agriculturist debtor? What right has the Punjab Government to differentiate between two classes of people who are equally hit by the present depression? Are you not penalising one set of individuals just to please another set of individuals? So, the first effect of this Bill is that you are attempting to relieve the indebtedness of one class of people at the expense of another class without affording the other class any corresponding relief, i.e., any corresponding reduction of the debt he may have incurred. It is robbing Peter to pay Paul. Is the Punjab Government at all well advised in restricting this relief to one class only and is such a course of action justified on any fair and equitable grounds? Before we go into that question let us take stock of the existing legislation on this matter in this province. The agriculturists of this province already enjoy many facilities to evade payment of their just debts. The first facility is that provided by the Alienation of Land Act, section 16, which lays down that the land of a member of an agricultural tribe is not liable to be sold in execution of a decree passed by any court. This also applies to insolvency proceedings. It is well known that the chief if not the only asset of the agriculturist is his land and when the Punjab has already gone to the extent that no other legislature in India, except perhaps in one case and that too under exceptional circumstances, has gone, do you think that you would be justified in giving any further facilities? You have laid down that practically the entire property of an agriculturist is ultimately safe from the creditor. What other facilities does the zamindar want? This is his privilege under section 16 of the Punjab Alienation of Land Act. Now with respect to his moveable property, there is an all-India provision, section 60 of the Civil Procedure Code, which exempts from attachment his implements of husbandry, his cattle used for cultivation and his house in which he lives for purposes of cultivation. Thus you have his land safe from the creditor and you have also secured to him practically all his moveable property which in the ordinary course he is likely to possess. That is with respect to sale. There is just one loophole for the creditor and that is that although his land cannot be sold, the produce can be attached from year to year towards the recovery of the debt. Now with respect to that item also let us see what the Punjab Government has already done in this matter. Under section 74 of the Civil Procedure Code the Financial Commissioner has issued standing order No. 64 and in paragraph 21, sub-clause (3) of the standing order it is provided—

"Only such land should be temporarily alienated as may be in excess of what the judgment-debtor who depends entirely or mainly on his land requires for the reasonable support of himself and those immediately dependent on him."

Therefore land is not available for sale; his moveable property is not available; and only such produce of his land is available which is not required by him. Again there is another privilege which the Punjab agriculturist enjoys and which, I submit, is not available to any agriculturist in any other part of the world. This privilege has been conferred on him by a judicial decision, Punjab Record 4 of 1913 which has subsequently been modified by a Full Bench of the High Court, Punjab Record 7 of 1919. These rulings

provide that where a male proprietor governed by custom—and all agriculturists are governed by custom in this province—has contracted a just debt and dies leaving ancestral property, such property is not liable in the hands of the rent-holder in respect of such debt, unless the debt has been expressly charged on the property. The effect of this provision is to exempt even the produce of land in the hands of a son from being attached. Kindly mark the iniquity and unfairness of a provision of that type.

Chaudhri Allah Dad Khan : On a point of order : Is the honourable member in order in calling those Acts iniquitable ?

Mr. Mukand Lal Puri : I do not call any Act iniquitable but I would call it iniquitous.

Mr. President : What Acts ?

Chaudhri Allah Dad Khan : He said that the Land Alienation Act was iniquitous.

Mr. President : Did the honourable member say so ?

Mr. Mukand Lal Puri : I did not do so, but I do so now.

Mr. President : Then he must withdraw it. Unless the repeal of a measure is under consideration no measure passed either by this Council or by the Assembly or by any other Council in India can be condemned.

Mr. Mukand Lal Puri : It is under consideration inasmuch as the Honourable Finance Member said that he would be prepared to consider any suggestions for its modification.

Mr. President : The repeal of that measure is not now under consideration.

Mr. Mukand Lal Puri : The question of the Alienation of Land Act as affecting the credit of the agriculturist is the one fundamental issue which is being discussed and which is going to be discussed at great length on the floor of this House.

Mr. President : But the repeal or amendment of that Act is not under consideration.

Mr. Mukand Lal Puri : The Honourable the Finance Member has stated that he would be prepared to consider any suggestions for modification of that Act in committee.

The Honourable Mr. D. J. Boyd : On a point of personal explanation. I will consider no recommendation whatever for the amendment of the Punjab Alienation of Land Act.

Mr. Mukand Lal Puri : I am not discussing the merits or demerits of the Alienation of Land Act. But what I am pointing out is that the facilities enjoyed. . .

Mr. President : The honourable member will please withdraw the expression he has used.

Mr. Mukand Lal Puri : The expression is Parliamentary and unobjectionable. But you want me to withdraw it and I will withdraw. But that is my opinion.

Mr. President : The honourable member may hold that opinion but he cannot express it here.

Mr. Mukand Lal Puri : I know that certain matters are distasteful and even Government is afraid of these matters but a free expression of opinion should not be denied.

Chaudhri Afzal Haq : What is your ruling, Sir ?

Mr. President : He has withdrawn the objectionable word.

Chaudhri Afzal Haq : That legislation which is passed by this House cannot be attacked, but the legislation which is not passed by this House can be attacked.

Mr. President : No.

Mr. Mukand Lal Puri : Let me give an illustration of this privilege enjoyed by the agriculturist against his creditor. A Jat advanced to another Jat of tahsil Daska, District Sialkot, about Rs. 10,000 for the purpose of purchasing land in Lyallpur. The money was paid to the person from whom the land was purchased and the debtor executed a pronote for the amount in favour of the creditor and with that money the debtor purchased the land in Lyallpur. After the land had been purchased and the pronote executed, unfortunately the debtor died. This land which was purchased with the creditor's money and in this case with an agriculturist creditor's money is in possession of the debtor's son. Is the person with whose money the land has been purchased entitled to recover this money from that judgment-debtor's son or from that land which has come to the judgment-debtor from his father ? I say, Sir, no system of law would prevent such a creditor from realising that money from that land. But in the Punjab, things are different. First there is the Punjab Land Alienation Act. The only way in which this agricultural creditor can recover his money is by filing a suit and obtaining a decree and after obtaining the decree by attaching and selling the land. But this land cannot be sold under the provisions of section 16 of the Land Alienation Act. Now, the question arises if it cannot be sold, can it be attached ? Cannot that poor fellow realise his ten thousand by dribblets by attaching the produce of that land ? The rule of custom is that he cannot even attach that land because the ancestral property (*Rai Bahadur Chaudhri Chhotu Ram* : It is not ancestral property), in the hands of the debtor is not liable to attachment. This provision was pointed out by me to the members of the Punjab Indebtedness Committee, the Committee appointed by the Punjab Government of which the learned Legal Remembrancer and Mr. Calvert, the late Financial Commissioner, than whom there was no greater friend of the zamindars, were members, and the report of the majority of the committee to which both these gentlemen were a party was that such a privilege should disappear. The committee reported on page 4 of their report :—

The protection enjoyed by ancestral property for liabilities for debts of a previous owner should be withdrawn and an alienation in insolvency proceedings should continue after the death of the insolvent without the possibility of challenge by reversioner. This provision the majority consider essential in order to prevent objections and disputes and to secure fair dealings to the creditor. Three of us would leave the existing legislation as it is.

On what ground can you justify the continuance of such inequitable provisions in our land ? On what grounds of fairness or equity or justice

could the minority, i.e., zamindar members have withheld concurrence from the view of the majority of that Committee? Therefore, this is another privilege which is enjoyed by the agriculturists. Again there is the Redemption of Mortgages Act which was introduced and passed by the Punjab Council with a view to secure summary redemption of mortgages and on the lines of which legislation is now being contemplated by other provinces and which has existed in this province for the benefit of the agriculturists for such a long time. To crown all, the Regulation of Accounts Act was passed only recently. What was expected was that before the Punjab Government came into the field again so soon, with fresh proposals for the relief of indebtedness not of the entire population which should be their charge but for the relief of indebtedness of the privileged class of whom they are afraid and at whose dictation they work, they would certainly wait and mark the result of their latest attempt in this line, i.e., the Regulation of Accounts Act. Any Government which has put on the Statute Book a legislation dealing with a particular subject waits for some time to watch the effect of that legislation before it suddenly embarks on another piece of similar legislation of a far-reaching character. Is it not known to the Government that the Regulation of Accounts Act—whether it is good, bad, useful or useless is a different matter—has considerably restricted rural credit. I challenge any of my honourable friends in this Council, to deny the truth of this statement. (*A voice: Yes*). Therefore, before embarking on legislation of this type it was natural that the Punjab Government would watch the effect of its latest and recent efforts, but no, it is impossible in the present state of affairs for the Punjab Government to withstand dictation from the zamindars whether it is in the giving of employment regardless of merit, whether it is in the grant of lands, whether it is in the conferring of titles or whether it is in the accepting of amendments to a harmless legislation like the Tobacco Bill which even defeated the very object which the Act had in view. The conduct of the Punjab Government is not strange and is in keeping with its best practice. But, after all, the Punjab is not Iceland, the Punjab is situated in India. Conditions in the Punjab are not so different from the conditions of other provinces. People know the state of indebtedness in the Punjab as well as the state of indebtedness in Madras, the United Provinces and the Central Provinces, and they can see that the state of the Punjab peasant is not worse materially than the state of the peasants in other provinces of India. I challenge any member of this House to contradict the statement that the peasant in the Punjab is more prosperous than the agriculturists in other parts of India. I do not say that he is not badly hit in these days by economic depression. Every one is badly hit, some more, some less, but I can confidently make the statement that the Punjab agriculturist is far better than the agriculturist in any other province of India.

Sardar Arjan Singh: Question.

Mr. Mukand Lal Puri: Let us see what legislation the other provinces have brought into existence to meet the situation.

The Honourable Sardar Sir Jogendra Singh: May I give the honourable member a piece of information?

Mr. Mukand Lal Puri: Not unless it is with respect to the relief of indebtedness.

The Honourable Sardar Sir Jogendra Singh : I was just going to point out that in the United Provinces a very large measure is under consideration.

Mr. Mukand Lal Puri : I am surprised that the Honourable Minister for Agriculture should think that a member of this House is making a speech on that subject and is not aware of what a man in the street knows that some legislation relating to indebtedness is on the anvil of the legislature of the United Provinces. I am going to discuss that legislation and it would be time for my honourable friend to decide whether it is really necessary to pass on that information to me. I know very well his interest in getting this Bill through but certainly that is no reason for interrupting me. Now, Sir, the first privilege as I said, which the Punjab agriculturist enjoys because of the legislation in this province was of freedom from the sale of his land. Now does the agricultural population of Bengal, or the United Provinces (except a small population of Rohilkhand), Madras or Central Provinces enjoy that privilege? I put it to my learned friends to say if any of these legislatures up till now have passed any legislation which would bring into line their legislation with the existing legislation in this province. We have had this legislation for the protection of zamindars for the last 20 years, other provinces are now contemplating legislation to relieve indebtedness and it would be a matter of surprise to my honourable friend to learn that the proposed legislation in other provinces does not even go half as far as the existing Punjab legislation. No legislature has so far proposed to lay down that the land of an agriculturist shall not be an asset available for his creditors. Other provinces are dealing with this disease and are not prepared to go even half as far as existing legislation on the subject. One of the Acts in the United Provinces has been turned down by His Excellency the Governor. None of the other Governments proposes to give to the agriculturists of their provinces even those facilities which are already enjoyed by the agriculturists in this province and it passes my comprehension to see why the Punjab is being singled out for this special treatment.

Mian Nurullah : The Punjab is leading India in many respects.

Mr. Mukand Lal Puri : In the Punjab the question of creditor and debtor is further complicated by classes and communities. When the debtors of other provinces belong to the same community as the creditors, 90 per cent. of the debtors in this province belong to another. I do not say that this is the reason which has prompted the Punjab Government to move this measure.

Mr. Labh Singh : Why do you not say so?

Mr. Mukand Lal Puri : I do not know what is passing in the minds of the Punjab Government but I certainly say that in view of the existing legislation on the subject, in view of the privileges already enjoyed by the agriculturists this legislation is entirely unnecessary and is the outcome of the fear engendered in the minds of the Government by zamindars both in the legislature and in the Government and the result of the influence which the Punjab Government constituted as it is dare not resist. Now, Sir, this legislation is entirely unnecessary. Now, coming

to the point which was raised by the Honourable Minister for Agriculture that some remedy should be found for liquidation of debts—

The Honourable Sardar Sir Jogendra Singh : I did not raise any point.

Mr. Mukand Lal Puri : It is said that some remedy for liquidation of the debts of the agriculturists who are groaning under the weight of debts should be found and that the Government should do something. There are two remedies that obviously suggest themselves to any casual observer. Either repudiation of debts or finding facilities for providing cheap credit. Now, the second remedy, that is, providing cheap credit to these gentlemen is available and has been available for them but, how can you find cheap credit unless you are prepared to offer some substantial or realisable security? These gentlemen say that cheap credit should be provided to them without any security, that the one security that they can offer, i.e., land should be sacrosanct and not be realisable at the instance of a creditor. What happened in the conference which was convened by Sir George Schuster in 1934 to which he invited the Ministers of the various provincial Governments? A perfectly honest proposition was made to these gentlemen when the Honourable Minister, Sir Jogendra Singh was also present, and that was this, the creation of mortgage banks. When money is easy it would be quite possible for the Government to give cheap credit to these people if they would offer their land as security. And that proposal was discussed. But then, Sir Jogendra Singh said, 'No, no, we want to keep our security intact but want our debts to be wiped off.' And Sir George Schuster naturally retorted, 'You better go home and deal with this problem as best as you can as a provincial question.'

The Honourable Sardar Sir Jogendra Singh : May I again correct the honourable member?

Mr. Mukand Lal Puri : I shall just read a quotation from the report which would bear me out.

The Honourable Sardar Sir Jogendra Singh : The honourable member has referred to a statement made at a conference and at which he was not present. I would like to know where he secured this information and I would like to contradict him without giving any more information than I am allowed to do about that conference.

Mr. Mukand Lal Puri : Sardar Sir Jogendra Singh was one of the Ministers present there and the proposal of Sir George Schuster that the land should be made available as a realisable asset for the mortgage banks was at once turned down by all the Ministers including Sir Jogendra Singh. No doubt I had no opportunity to listen to the actual talk but from the enthusiasm displayed by my learned friend in the course of my speech the only conclusion at which I could arrive was that the Honourable Minister was as enthusiastic there as he is to-day in interrupting my speech.

The Honourable Sardar Sir Jogendra Singh : The statement is entirely wrong.

Mr. Mukand Lal Puri : This is what is published in the *Punjab Gazette* on May 18, 1934—the proceedings of the Economic Conference, 1934,

[Mr. Mukand Lal Puri.]

held under the presidency of Sir George Schuster. This meeting was convened with a view to consider agricultural indebtedness. On the question of land mortgage banks, this is what has been published :—

"The Conference examined the possibility of developing land mortgage banks in connection with the aspects of the problem noted above. The discussions made it clear that the essential problem in connection with such institutions in India lies in the realisation of that security, land and the restrictions on the transferability of land or the rights over land and the consequent expenses, uncertainty and delay in obtaining and executing decrees constitute real obstacles to the development of such banks. Conditions in this respect vary from province to province and representatives of several provinces.

including, of course, Sardar Jogendra Singh, this is my source of information and let the honourable member deny it if he can—

"representatives of several provinces were quite definite in their opinion that the danger of tampering with the land laws and increasing the facilities for the alienation of land were so great as to outweigh the advantages for improving the character of the security on which credit could be obtained."

Therefore, land mortgage banks cannot be established. Let the Land Alienation Act be amended so far that the land of agriculturists would be available for sale in favour of those land mortgage banks, not in favour of any private banks. Let these gentlemen if they want to have cheap credit mortgage their property which any honest debtor does for the amounts which he may have already borrowed or which he hopes to borrow. Why do the agriculturists refuse to give their asset as security not only in favour of an ordinary creditor but even in favour of the Government? If they really do oppose such a proposition the only conclusion is that they want to have the money and they do not wish to pay it back. If they do not wish to repay, then let them not have the money. But they desire to have the money and their desire is not likely to grow less, but they do not want to offer their assets as security for the payment of their just debts. This is an impossible position. I would advise them and also the Government to provide cheap credit to zamindars by making their land available as an asset for the mortgage banks. I do not wish that the Land Alienation Act should be repealed. If the Punjab Government is serious to meet the situation, let it be amended in such a way that cheap credit can be given to these people. All possibility of tampering with accounts, of unfair dealing, of charging exorbitant rates of interest are excluded by the fact that they are dealing with Government or semi-Government machinery or a machinery which may be created under an Act of legislature. Let them, therefore, offer their land as security not to everybody but to mortgage banks and let there be a further condition, if they so wish it, although it would be highly equitable and would decrease the value of their asset, that if the bank is obliged to sell the land in execution of a decree that might be sold in favour of an agriculturist. They can get cheap credit provided they offer the security. This one method of obtaining cheap credit is still available to the agriculturist. And you would be pleased to observe, Sir, that in almost all legislations which have so far been proposed in other places there is a provision that arrears of any adjusted amounts may be recovered as arrears of land revenue. It is exactly the same thing as to say that the land is available in spite of the Land Alienation Act as a security for the realisation of the debt. If the agriculturists wish the Bill to become law they should

themselves propose modifications in the Land Alienation Act and while proposing such modifications let them safeguard themselves in any way they like against *sahukars* whether belonging to their own community or belonging to any other community. Let them then obtain cheap credit, from mortgage banks and pay a portion of their debt and let them also employ the money for the development of agriculture and industry in this province. No one would be happier than myself to see a flourishing zamindar population. The prosperity of the zamindar is really the prosperity of the province. Their adversity affects us all to an equal degree. Their prosperity makes other classes prosperous. Therefore, instead of following quack remedies which are suggested by expediency or by fear, let us save the real situation and try to increase the agriculturists' credit and give them cheap credit. If the agriculturists are not willing to avail themselves of this measure—and the proceedings before Sir George Schuster's committee say that they are not, and the attitude of the members here also shows that they are not—then the only other alternative is the repudiation of these debts. Repudiation of debts is advocated by the leader of the Unionist party by writings in the Press. They ask, if Belgium has repudiated its debts, if Italy has, if Germany, England and America have also done so, why cannot the zamindars of the province similarly repudiate their debts? Of course they assume that the zamindars of the province are a sovereign body like these countries. Cannot the poor non-zamindar also repudiate his debts? He cannot do so because the Government in power will say we uphold the sanctity of contracts. If you once countenance repudiation of debts there is no reason why the same reasoning should not apply to the repudiation of the liability to pay land revenue, or *abiana*, repudiation of the liability to pay *lagan*, i.e., rent and the repudiation of all other liabilities which people have so solemnly entered into. I do hope that the Punjab Government directly or indirectly will not be a party to such a move in spite of the suggestions emanating from the Unionist party.

The provisions of this Bill fall into seven parts. One of them deals with conciliation boards. I shall now address myself to the circumstances under which this proposal has come up before the House and the principle underlying it. The Council is no doubt aware that the proposals relating to conciliation boards have aroused a great deal of opposition and I think justifiable opposition. The Punjab Government in this matter have not followed the unanimous opinion of the Punjab Committee on Indebtedness. The Government have put forward proposals which are entirely different from the proposals made by the committee and without the necessary safeguards which the committee had unanimously recommended. The committee carefully considered the reports of the various commissions on agriculture, the Central Banking Enquiry committee, the Provincial Banking Enquiry Committee, and also studied a considerable amount of literature which thanks to the efforts of Mr. Calvert and Mr. Abel, the indefatigable Secretary of that committee, were made available to the members with a view to find out if by any process of conciliation between debtor and creditor the debts could be settled. Our conclusion and the unanimous conclusion of the committee was that in these expert reports there was absolutely no warrant for the institution of any conciliation boards. At a late stage of the enquiry a proposed Bill from the Central Provinces was placed in our hands whose

[Mr. Mukand Lal Puri.]

such conciliation boards were proposed to be set up. The committee was anxious to find some method of relief by amicable settlement. It reported that an experiment may be made on the lines of the Bill of the Central Provinces but only under certain well-defined conditions. I shall just read an extract from the report on this point. I refer to paragraph 19 of the report of the committee.

The non-committal attitude of the Royal Commission on Agriculture with regard to conciliation boards has already been shown by a quotation from their report. The Central Banking Enquiry Committee did not advocate conciliation boards except as a possible means of assistance to special propaganda officers. Such officers would not, in our opinion, be necessary after the passing of a Petty Insolvencies Bill, the provisions of which would soon become well known. The relevant paragraph in the Committee's report reads as follows:—

"Special officers should be appointed in each Province whose function would be by propaganda to persuade the lender and the borrower to agree to a redemption of standing debt on the basis of a cash payment or equated payments spread over a number of years. It should be one of the functions of these officers to advise the agriculturist debtors of the existing facilities for lightening the burden of indebtedness, such as those provided for in the Usurious Loans Act and the Civil Procedure Code for repayment of loans by instalments. If it is considered desirable that the conciliation boards would facilitate the operations of these officers, local Government should arrange for their appointment."

The Punjab Provincial Banking Enquiry Committee Report does not deal with this subject except in mentioning efforts for composition of old debt through co-operative societies. Part 3 of Note C attached to their report shows that such efforts have only obtained occasional and partial success. *Thus there is no weight of opinion in our authorities in favour of conciliation boards*; we, however, adhere to our opinion that they may still be found useful under special conditions and in special localities.

The committee's report is that there is no weight of opinion or authority in all the literature that they have studied for the setting up of such conciliation boards, but they wished that an experiment might be tried under certain well-defined conditions and in special localities. What are those special conditions? One of the special conditions was laid down in the Act itself. One of the sections provided that the amount found due by the conciliation board would be realised by the Government as arrears of land revenue. Land Alienation Act does not apply to arrears of land revenue, and therefore the essential condition was that these conciliation boards were only to be subsidiary to Petty Insolvencies Bill and amongst other matters provision had to be made for realisation of the adjusted amount as an arrear of land revenue. A special condition of the functioning of a conciliation board was a provision for the payment or realisation of amount found due by the conciliation board. It was never contemplated that a decree which may have been passed by the High Court or even by Privy Council after great contest should be again presented for consideration before a conciliation board. In this connection may I draw your attention to the speech of Sir Malcolm Hailey dealing with a similar matter:—

It may be observed any scaling down of debts which does not provide to the creditor any increased facility for securing repayment in return for the loss of potential assets is not an appropriate manner.

He directed further action to be taken "to giving to creditor facilities for receiving the adjusted debt."

Now this is the view which all practical men would take as indicated by the opinion of Rao Bahadur Chaudhri Chhotu Ram printed on page 132 of

Opinions on the Punjab Relief of Indebtedness Bill. I am quoting his words :—

The only remedy is for the State to take over all debts and repay them in cash to creditors at a flat rate of 4 annas in the rupee and then to recover it in small equal instalments extending over a period of 20 to 40 years along with revenue from owners of land and in some other way which I am not in a position to suggest at present from those who are neither land-owners nor occupancy tenants of agricultural land.

Therefore one *sine qua non* of the functioning of a conciliation board is a provision for the realisation or payment of the amount which has been found due by the conciliation board. This is what the Central Provinces Bill provides for, this is what Sir Malcolm Hailey and what even a strong supporter of the Bill like Chaudhri Chhotu Ram say that you must make some provision for payment. I am of opinion that the rate of scaling down should depend upon the nature of loan, whether it is productive or unproductive. If a loan has been advanced for productive purposes, that is for obtaining immovable property, then no conciliation board would for a moment think of dwindling down the debt. If, on the other hand, the debt has been advanced for unproductive purposes at a usurious rate of interest and consists merely of interest and the judgment-debtor is not in a position to pay, then considerable scaling down may be necessary by the conciliation board. But whatever the proportion by which debts have to be scaled down, has anybody ever heard of the proposal of scaling down debts without corresponding provision for their repayment? Therefore, if the Punjab Government is not prepared to accept the well-defined conditions under which this recommendation of the Punjab Indebtedness Enquiry Committee was made, that is to take upon itself the responsibility for payment of people's debts or create mortgage banks or form co-operative banks or devise some other remedy, then the proper thing is not to touch this proposal which was only limited to particular circumstances and particular conditions.

Another very satisfactory safeguard which the Punjab Committee on Indebtedness recommended for the conciliation board has, I find, again been unfortunately omitted by the Punjab Government. I am referring to section 4 of the Central Provinces Bill, which laid down that no application shall be made if the debtors' debt exceeds Rs. 2,000 or such amount as may be prescribed for such area.

Under the proposals of the Punjab Government a case of a debt of two lakhs of rupees, or even of a decree of two lakhs passed by the highest court can be sent to these conciliatory boards for review. That was never the intention of the Punjab Indebtedness Inquiry Committee. They confined the jurisdiction of the conciliatory board to what the Central Provinces Bill had laid down and which definitely confines the operation of these conciliatory boards to debts of Rs. 2,000. The object is apparent from the recommendations which were made and which laid down that these conciliatory boards were to be treated as auxiliary to petty insolvency courts; where jurisdiction was not to extend to persons whose assets exceeded Rs. 1,000. It was assumed that the only matters which would be sent to the conciliatory boards would be petty disputes. I am one of those who always try to compromise on these matters and I agreed to that suggestion that these conciliation boards might deal with cases in which assets do not exceed Rs. 1,000.

[Mr. Mukand Lal Puri.]

I draw the attention of the House to the unanimous report of the Punjab Indebtedness Committee on this subject. I will read from paragraph 16 on page 5 of the committee's report.

In recommending the introduction of a simplified procedure for dealing with petty insolvency cases, we feel that a widespread resort to its provisions might possibly lead to some embitterment of feeling between lenders and debtors which might be avoided if the parties could be brought together in an atmosphere of conciliation. A lender has little to gain from pursuing an irrecoverable debt or from suing for a sum greater than he is likely to realise; many lenders would, we believe, willingly accept in lieu of the whole claim a portion of the sum owed if promptly paid down, and the necessity for insolvency proceedings might be avoided if a machinery existed for effecting mutual conciliation. The Royal Commission on Agriculture in discussing the advisability of a Rural Insolvency Bill remarks as follows:—

“Whether such a law should provide for conciliation boards or committees or whether such bodies should be regarded as an alternative to an insolvency law is an open question.”

We have already made our proposals for a Petty Insolvencies Bill, and we think it probable that such a measure would provide effective machinery for the re-adjustment of the burden of agricultural debts to the facts of the present time. But we would also recommend that where local conditions seem favourable conciliation boards should be set up with instructions to accept petitions from either debtor or creditor, and to attempt by persuasion to arrange a composition of the debts. We consider that the existence of a Petty Insolvencies Act (if such an Act were passed) would make creditors willing in many cases to accept the terms offered by the conciliation board.

Then later on the committee made this point further clear in the following words—

We do not think that the Collectors' efforts should end in futility if the Collector fails to recover, but that the failure of the Collector to recover the whole or any part of the sum should be regarded as proof of the insolvency of the debtor. Any law or procedure which makes it impossible for him to be adjudicated accordingly, and to secure his discharge, is defective and should be amended. It is for this reason that we regard the institution of conciliation boards as subsidiary to a Petty Insolvencies Bill, and we doubt whether, without the simplified insolvency procedure, conciliation boards will be of any use.

Therefore, Sir, the recommendations of the Punjab Indebtedness Committee with respect to the conciliation board was to confine their jurisdiction to cases where the debtor could take advantage of the petty insolvency procedure, with respect to which the committee recommended that only those cases would be taken up where the assets of the insolvent did not exceed Rs. 1,000.

Therefore, if these two essential requisites, namely provision for the payment of definite amounts and restrictions to disputes extending to rupees one thousand are not acceptable to the Punjab Government the best thing for the Punjab Government to do would be to drop this measure which even the Punjab Indebtedness Enquiry Committee recommended only as an experiment to be carefully applied and carefully watched.

Mr. President : Has the honourable member finished?

Mr. Mukand Lal Puri : Not yet, Sir.

Mr. President : I know there is no time limit to speeches.

Mr. Mukand Lal Puri : Do you think I have been repeating arguments?

The Council then adjourned till 9-30 A. M. on Wednesday, the 27th June 1934.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Wednesday, 27th June 1934.

The Council met at the Legislative Assembly Chamber at Simla at 9-30 A. M. of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

REMISSIONS.

***3335. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether the Government is prepared to define the expression "currency of a crop" as used in appendix I (rules for remission on account of failed crop) of the Revenue Manual, 3rd edition ;
- (b) whether this expression "currency of a crop" occurs in rule 20 of the rules for remission made under the Canal Act ;
- (c) whether an application is considered as time-barred, if not received during the currency of a crop ;
- (d) from which to which date the "currency of a crop" lasts for (a) rabi crop, (b) kharif crop, (c) zaid rabi crop, (d) zaid kharif crop ?

The Honourable Sir Miles Irving : (a) Currency of a crop (for purposes of submission of application for remission on account of failed crop) may be defined as the period from the date of germination to the date of its being cut, grazed or otherwise destroyed.

(b) No.

(c) An application is considered definitely time-barred if received after the crop is cut.

(d) See replies to (a), (b) and (c) above.

REMISSIONS.

***3336. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether a claim of a zamindar for remission is denied consideration if he applies for remission with respect to a cotton crop in the case of a crop which is shown as "mixed cotton and moth" crop in the patwari's book ;
- (b) whether demand slips are prepared and distributed to the zamindars in each case before the dates of the receipt of the claims for remission in order to enable the cultivator to know as to what has been entered by the patwari in his book ; if not, why ?

The Honourable Sir Miles Irving : (a) No.

(b) A cultivator can submit a claim for remission at any time before the crop is cut and for this purpose he does not need any *parchas* either *kacha* or *pacca*.

TAWANS.

***3337. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether any instructions have recently been issued to all the local officers by the Government in Irrigation Branch or by the chief engineer to levy *tawans* in all cases of *warashikni* on the offenders where *warabandi* is a sanctioned one and a complaint is received ;
- (b) whether a case of *warashikni* falls under section 68 of the Canal Act and whether the complainant is required to affix one rupee court fee on his application when he desires action to be taken against the shareholders for *tawan* as laid down in paragraph 2 of appendix E of the Revenue Manual ;
- (c) whether canal officers have any power to interfere in the internal distribution of water on a watercourse ;
- (d) whether *warashikni* comes under internal distribution of water or not ;
- (e) whether a sub-divisional officer, a deputy collector or a zilladar can order the preparation of a *tawan* case when a written complaint is received by any of them from a shareholder ;
- (f) whether a divisional canal officer is the only officer who can interfere in the internal distribution of water on a watercourse ; if so, why are applications for complaints in *warashikni* cases received and entertained by the sub-divisional canal officers and deputy collectors and why is any action taken on such applications ?

The Honourable Sir Miles Irving : (a) No.

(b) No, cases of *warashikni* are dealt with under section 38 of the Canal Act. No judicial stamp of any value is required to be affixed on the application submitted by an aggrieved person for levy of *tawan* on the offender or offenders.

(c) The canal officers have no power to interfere in the internal distribution of water unless a complaint is received from one of the shareholders for action under section 68.

(d) Yes.

(e) Yes, provided there exists a *warabandi* sanctioned under section 68.

(f) The divisional officer is the final authority for sanctioning *warabandi* and levying *tawan*. But in the cases where *warabandi* has been sanctioned under section 68 both the sub-divisional officer and deputy collector are empowered to prepare cases for submission to divisional officer for orders.

TAWAN.

***3338. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to enquire and state—

- (a) whether in all cases where a cultivator takes water from a water-course out of his turn, *tawan* is levied on all such irrigation on the investigation of a zilladar ;
- (b) whether as laid down in paragraph 18·19 a sub-divisional officer or a deputy collector does not investigate the whole case from the beginning to the end personally and the work is entrusted to the zilladar only ;
- (c) whether the investigation done by zilladar is passed and action of *tawan* is taken on that ;
- (d) whether in a *warashikni* case action of *tawan* can be taken by any officer of the Irrigation Department without receiving any complaint from the injured party ;
- (e) who are the officers who can take cognizance of *warashikni* cases and under what circumstances can they recommend for levying *tawan* in such cases when there is no complaint from the injured party ;
- (f) whether the Government proposes to issue instructions to all local Irrigation officers that all *warashikni* cases in which action of *tawan* is to be taken should be personally investigated and completed by the sub-divisional officers and the deputy collectors ; if not, why ?

The Honourable Sir Miles Irving : (a) No.

(b) No. The sub-divisional officer and deputy collector are not required by rule 18·9 of the Revenue Manual to investigate cases personally from beginning to end.

(c) Yes, after the divisional officer has satisfied himself as to the correctness of the zilladar's report.

(d) No.

(e) If there is no complaint from an injured person no action for *tawan* can be taken by any officer.

(f) Government is prepared to consider the matter.

TAWAN.

***3339. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether in new colonies a *naka* is fixed for the irrigation of each square and is shown in the *mauza* plan ;
- (b) whether *tawan* can be levied if the owner irrigates his square from a *naka* other than shown for that square in the *mauza* plan ;
- (c) whether such *tawan* for such irrigation from a *naka* or a water course other than that shown in the *mauza* plan can be levied irrespective of the *warabandi* in such a case being sanctioned under section 68 of the Canal Act or not ;

[Mian Nurullah.]

- (d) whether the department can take action of *tawan* in such case on its own accord or a complaint from an injured person is or is not necessary ;
- (e) whether the department has started taking up the cognizance of *warashikni* cases in which the turn of a cultivator has been forcibly snatched by another ; if so, what are the grounds for this interference and whether in all such cases a sanctioned *warabandi* is required for taking action ?

The Honourable Sir Miles Irving : (a) Yes.

(b) No *tawan* can be levied unless a *warabandi* has been sanctioned under section 68 of the Canal Act.

(c) See reply to (b). *Tawan* can, however, be imposed in the case of irrigation done from a watercourse outside the chak boundary, whether or not a *warabandi* exists or a complaint is made.

(d) and (e). The department can only take action in circumstances as explained at (b) above and after a complaint has been lodged by an injured person.

WATERLOGGING NEAR JARANWALA TOWN.

***3340. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether it is a fact that in all villages situated close to the Gugera Branch Canal near Jaranwala the sub-soil water level is hardly at 15th feet depth ; if not, what is the average depth ;
- (b) whether the water-table is rising at the rate of about 2 feet per year in these villages ;
- (c) whether the Government has started any five years drainage scheme in order to prevent water-logging ; if so, will the Government lay a copy of the scheme on the table ;
- (d) what action Government proposes to take in preventing water-logging in villages near Jaranwala town ?

The Honourable Sir Miles Irving : (a) In wells in the locality referred to, which are measured by the Irrigation Branch, the sub-soil water level is at a depth of from 19·75 to 28·40 feet.

(b) The rise is at the rate of 1 to 1½ feet per annum.

(c) The reply to the first portion is in the affirmative. Further details are at present in course of preparation but are not yet so far advanced as would enable them to be tabled.

(d) The scheme referred to at (c) aims at opening out the main drainage^s on the Lower Chenab Canal. When that work is completed, it is hoped that the rise in the sub-soil water level will be arrested.

REMISSION IN DERAJAT CANAL CIRCLE.

***3341. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to—

- (a) lay on the table a copy of the rules for remission of water rates and land revenue in the Derajat Canal Circle ;

(b) state whether half and one-fourth remission is also allowed on that canal;

(c) state whether the Government is thinking of transferring *kharaba* from the civil to the canal authorities on this canal; if so, why?

The Honourable Sir Miles Irving: (a) A copy of the rules for the Muzaffargarh district is laid on the table. With regard to the rules obtaining in the Multan and Dera Ghazi Khan districts, attention is invited to the reply given last year to part (a) of Council question No. 2589¹ (starred).

(b) Yes.

(c) Consideration of the proposal has been postponed with a view to ascertaining whether improvement in the administration of the canals (which has been defective in the past) cannot be effected under existing arrangements.

Rules for remission of water-rates and land revenue in the Derajat Canal Circle, Muzaffargarh district.

(a) If the crop is below a 4 anna crop, entire remission will be granted.

(b) If the crop is between a 4 anna and 8 anna crop, half remission will be granted.

(c) If the crop is between an 8 anna and a 12 anna crop, one-fourth remission will be granted.

KHARABA.

***3342. Mian Nurullah:** Will the Honourable Member for Revenue be pleased to state—

(a) what action has been taken on a cut motion passed by this Council urging revision of the *kharaba* rules;

(b) the action taken regarding a resolution of this Council for transferring powers of *kharaba* from the hands of the canal authorities to the civil authorities;

(c) the action taken by the Government on a resolution passed in this Council regarding the amendment of the Canal and Drainage Act of 1878?

The Honourable Sir Miles Irving: (a) and (b) Proposals for abolition of *kharaba* are under consideration and Government intends to place the scheme before the Council at the earliest opportunity.

(c) The honourable member is referred to the reply given to part (b) of the Council question No. 2251² (starred).

DIFFICULTIES OF JUDGES IN INDIA.

***3343. Mr. Muhammad Din Malak:** Will the Honourable Member for Finance please state whether Government are aware that on the 7th May, 1934, Sir Shadi Lal, late Chief Justice of the Lahore High Court had, in reply to the address of farewell presented to him on behalf of the Bench and Bar, mentioned certain difficulties of judges in India?

The Honourable Mr. D. J. Boyd: The reply is in the affirmative.

¹Volume XXIII, Appendix.

²Volume XXIII, page 224.

INTERFERENCE IN THE ADMINISTRATION OF JUSTICE.

***3344. Mr. Muhammad Din Malak :** Will the Honourable Member for Finance please state—

- (i) whether Government or any of their officers ever attempted to interfere in the administration of justice in the High Court of Judicature at Lahore ;
- (ii) if answer to (i) is in the affirmative—
 - (a) the names of the officers who made the attempts and the titles of cases in which the Government wanted the High Court to accommodate their wishes and predilections ;
 - (b) whether any of the judges ever yielded to the pressure alleged to have been exercised by the executive ;
 - (c) whether any of the judges ever refused to accommodate the demands of the executive and whether such refusal ever resulted in the judge concerned having been subjected to any disfavour or resentment ; if so, in what manner and on what particular occasion ?

The Honourable Mr. D. J. Boyd : (i) No.

(ii) Does not arise.

TEACHERS OF CENTRAL MODEL SCHOOL, LAHORE.

***3345. Mr. Muhammad Din Malak :** Will the Honourable Minister for Education please lay on the table a statement showing the approximate value of the landed and house property which has been purchased by each of the following masters of the Central Model School, Lahore, the rates of salary on which they started and which they at present draw, also the length of their service :—

(1) Mr. Mohan Lal Bhalla, Head Master.	(7) Lala Hukam Chand,
(2) Mr. Sircar.	(8) Lala Sri Ram,
(3) S. Bhagwan Singh,	(9) Lala Gokal Chand,
(4) Lala Kishan Dayal,	(10) M. Khairayat Ali,
(5) Lala Harcharan Das,	(11) M. Ghazanfar Ali,
(6) S. Jagat Singh,	(12) Lala Ram Narain,
	(13) M. Aziz-ud-Din.

The Honourable Malik Sir Firoz Khan Noon : The statement giving the requisite information is placed on the table.

Statement.

Name.	Approximate value of the landed and house property purchased.	Rate of salary on which started.	Present rate of pay.	Length of service.	REMARKS.
1. Lala Mohan Lal Bhalla	Rs. 19,800 Rs. *1,000 Rs. 20,000	Rs. 70 .. †Rs. 80 in Rs. 80-4-100 grade.	Rs. 460 in Rs. 250-25-500/25-600 of ordinary time scale. Rs. 190 in Rs. 140-10-190 grade.	Yrs. Mos. 27 0 11 9	*Registered in his wife's name. †Officiated in Rs. 110-135 grade for some time before appointed in Rs. 80-4-100.
2. Mr. E. V. Sircar					
3. S. Bhagwan Singh	Rs. 11,000	Rs. 15 ..	Rs. 135 in Rs. 110-5-135 grade.	29 1	
4. Lala Kishan Dayal	Rs. 1,250	Rs. 80 in Rs. 80-4-100 grade.	Rs. 130 in Rs. 110-5-135 grade.	11 7	
5. Lala Harcharan Das	Rs. 1,250	Rs. 80 in Rs. 80-4-100 grade.	Rs. 160 in Rs. 140-10-190 grade.	13 2	
6. S. Jagat Singh	Rs. 13,000 Rs. †1,300 Rs. 1,052-4-0	Rs. 20 ..	Rs. 92 in Rs. 80-4-100 grade.	27 4	‡Registered in his wife's name.
7. Lala Hukam Chand		Rs. 35 in Rs. 35-3-50 grade.	Rs. 88 in Rs. 80-4-100 grade.	20 11	
8. Lala Sri Ram	N/A	Rs. 80 in Rs. 80-4-100 grade.	Rs. 135 in Rs. 110-5-135 grade.	8 5	
9. Lala Gokal Chand	Rs. 1,849	Rs. 80 in Rs. 80-4-100 grade.	Rs. 100 in Rs. 80-4-100 grade.	6 0	
10. M. Khairayat Ali	Rs. 6,670	Rs. 35 in Rs. 35-3-50 grade.	Rs. 70 in Rs. 55-3-70 grade.	12 7	§Registered in his wife's name.
11. M. Ghazanfar Ali	Rs. 3,250	Rs. 20 in Rs. 20-2-30 grade.	Rs. 130 in Rs. 110-5-135 grade.	21 0	
12. Lala Ram Narain	Rs. 8,500	Rs. 20 ..	Rs. 135 in Rs. 110-5-135 grade.	30 2	
13. M. Aziz-ud-Din	N/A	Rs. 25 ..	Rs. 130 in Rs. 110-5-135 grade.	27 9	

WATER RATE FOR CROPS.

***3346. Mian Nurullah :** Will the Honourable the Revenue Member be pleased to state—

- (a) whether Government have reduced water rate in the case of certain principal crops ;
- (b) whether barley has been placed at a higher schedule rate than wheat ;
- (c) whether the mixture of wheat and barley is to be assessed at the rate of barley ?

The Honourable Sir Miles Irving : (a) Yes.

(b) The rate for barley has not been altered.

(c) Yes, under rule 28 of the Canal Act.

RULE 25 OF THE CANAL ACT.

***3347. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether four crops have been fixed for the purpose of application of rule 25 of the Canal Act ;
- (b) whether in cases where the original crop sown in a canal irrigated field fails and is ploughed up and fresh crop is sown in the same season, it is necessary for the patwari to report such fields to zilladar for inspection and verification of site ;
- (c) whether a zilladar is required to inspect such fields at site and to recommend the application of rule 25 in all such cases ;
- (d) whether the final orders of the divisional canal officer in all such cases are necessary ;
- (e) whether a patwari can do the *amaldramad* of rule 25 without referring it to the higher authorities ; if so, under what circumstances ?

The Honourable Sir Miles Irving : (a), (b), (c) and (d) : Yes.

(e) No.

SUPPLY OF WATER ON CONTRACT SYSTEM.

***3348. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether the Chief Engineer, Irrigation Branch, in his letter No. 629/45-R.I., dated 3rd March, 1931, addressed to all superintending engineers stated that Government wants to encourage the scheme of supplying water on contract system and that the scheme should be given wide publicity ;
- (b) whether S. Sundar Singh and S. Jaswant Singh, landowners, of Chak No. 213-R.B. (Fateh-ud-Din, minor) applied for water to be given on contract system ;
- (c) whether their application has been sanctioned ; if not, why not ?

The Honourable Sir Miles Irving : (a) Yes.

(b) Only Sardar Sundar Singh applied for water on contract basis.

(c) No, because he wanted supply from a new outlet which could not be given because his area was too small for a separate outlet. Moreover, there would have been practical difficulties in carrying water to his land which is situated in the middle of an irrigation chak. He was informed that water could be supplied on contract basis to the whole irrigation chak if he could make the other shareholders agree to take water on that basis.

SUPPLY OF WATER ON CONTRACT SYSTEM.

***3349. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that Superintending Engineer, West Circle, Lower Chenab Canal is opposed to the scheme of allowing water on contract basis ;
- (b) whether he made any report to the Chief Engineer stating the disadvantages of this scheme ;
- (c) whether the Government is prepared to lay on the table a copy of his report ?

The Honourable Sir Miles Irving : (a), (b) and (c) Government considers it against the public interest to publish the opinions of its officers unless they are invited for the purpose of publication.

PAY AND ALLOWANCES OF ZILLADARS, NAIB-TAHSILDARS AND OVERSEERS.

***3350. Mian Nurullah :** Will the Honourable Revenue Member be pleased to lay on the table the following statement with respect to—

(a) *zilladars*—

- (i) starting pay and grade from 1912 to 1919 along with daily allowance or fixed monthly allowance ;
- (ii) starting pay from 1920 to 1931 along with daily allowance or fixed conveyance allowance ;
- (iii) monthly conveyance allowance now being paid to the zilladars ;

(b) *naib-tahsildars*—

- (i) starting pay and grade from 1912 to 1919 along with daily allowance ;
- (ii) starting pay and grade from 1921 to 1933 along with daily allowance or fixed conveyance allowance ;

(c) *overseers*—

- (i) starting pay and grade of overseers and sub-overseers from 1912 to 1920 along with daily allowance ;
- (ii) starting pay of overseers and sub-overseers from 1921 to 1933 along with daily allowance ?

The Honourable Sir Miles Irving : The statement referred to is laid on the table :—

[The Hon. Sir Miles Irving.]

Statement showing information as regards starting pay and grades as also Daily
Overseers and Sub-Overseers

Particulars.	Zilladars.	Naib-Tahsildars.
1	2	3
	1912—1919.	1912—1914.
(i) Starting Pay and Grade ..	4th Grade Rs. 50 3rd Grade Rs. 60 2nd Grade Rs. 80 1st Grade Rs. 100	3rd Grade Rs. 60 2nd Grade Rs. 80 1st Grade Rs. 100
	1920—1931.	1915—1919.
	2nd Grade Rs. 60—4—100, less 15 per cent. for new entrants from 1st January 1931.	3rd Grade Rs. 70 2nd Grade Rs. 85 1st Grade Rs. 100
	1st Grade Rs. 120—6—150	1920—1929.
		Ordinary Grade Rs. 80—5—120/ 5—140. Selection Grade .. Rs. 150
		1930—1933.
		Rs. 80—5—140/7½—185.
(ii) Daily Allowance ..	1912—1919 Re. 1-8-0 per day .. 1920—1923 Rs. 2-4-0 per day .. 1923—1924 Rs. 2-0-0 per day .. 1924—1931 Nil.	1912—1919 Re. 1-0-0 per day .. 1920—1922 Rs. 3-0-0 per day .. 1922—1924 Rs. 2-8-0 per day ..
(iii) Conveyance allowance ..	1912—1919 Rs. 15 .. 1920—1921 Rs. 22-8-0 .. 1921—1924 Rs. 30 .. 1924—1931 Rs. 60 fixed perma- nent travelling allowance. Now being paid Rs. 37-8-0, fixed permanent travelling allowance.	1924—1931 Rs. 40 per mensem.. From August 1931 Rs. 30 per mensem.

*Further recruitment to this class is stopped from 1st April 1931

Allowances and fixed Conveyance Allowances of Zilladars, Naib-Tahsildars, for the period 1912 to 1933.

OVERSEERS.		Sub-Overseers.
(Upper Subordinates).	(Subordinate Engineering Service).	
4	5	6
1912—1917.	1921—1933.	1912—1917.
3rd grade Rs. 60	Rs. 90—7—255	3rd Grade Rs. 80
2nd Grade Rs. 80		2nd Grade Rs. 85
1st Grade Rs. 100		Rs. 40
		Rs. 45
		1st Grade Rs. 50
		Rs. 60
		Rs. 70
1917—1920.		1917—1920.
2nd Grade Rs. 80		2nd Grade Rs. 85
1st Grade Rs. 100		Rs. 40
		Rs. 45
		Rs. 50
		Rs. 55
		1st Grade Rs. 60
		Rs. 70
		Rs. 80
		Rs. 90
1912—1919 Rs. 1-8-0 per day ..	1921—1923 Rs. 2-4-0 per day ..	5 *1920—1933. Rs. 60— —120.
1920—1923 Rs. 2-4-0 per day ..	1923—25 Rs. 8-0-0 per day for pay over Rs. 150-0-0 and Rs. 2, per day for pay under Rs. 150.	2 1912—1920 No daily allowance admissible. 1921—1923 Rs. 2-4-0 per day.
1923—1925 Rs. 3-0-0 for pay over Rs. 150 and Rs. 2-0-0 per day for pay under Rs. 150.		1923—1925 Rs. 2-0-0 per day.
1925—1931.	1925—1931.	1925—1931.
Rs. 2 for pay upto Rs. 149 ..	Rs. 1-4-0 per day for pay upto Rs. 99.	Rs. 1-4-0 per day for pay upto Rs. 99.
Rs. 2-8-0 for pay from Rs. 150, to Rs. 199.	Rs. 2, per day for pay from Rs. 100 to Rs. 149.	Rs. 2, per day for pay from Rs. 100 and above.
Rs. 3 for pay from Rs. 200 and above.	Rs. 2-8-0 per day for pay from Rs. 150 to Rs. 199.	
	Rs. 3 per day from Rs. 200 and above	
1931—1933.	1931—1933.	1931—1933.
Rs. 1-8-0 for pay upto Rs. 149 ..	Rs. 1 per day for pay upto Rs. 99..	Rs. 1 per day for pay upto Rs. 99.
Rs. 2 for pay from Rs. 150 to Rs. 199	Rs. 1-8-0 per day for pay from Rs. 100 to Rs. 149.	Rs. 1-8-0 per day for pay Rs. 100 and above.
Rs. 2-8-0 for pay from Rs. 200 and above.	Rs. 2 per day for pay from Rs. 160 to Rs. 199.	
	Rs. 2-8-0 per day for pay from Rs. 200 and above.	

and these men are designated Lower Subordinate (Residue).

PAY OF SUB-ASSISTANT SURGEONS.

***3351. Mian Nurullah :** Will the Honourable Minister for Education please lay on the table the following information :—

Starting pay of sub-assistant surgeons from (a) 1914 to 1920, (b) from 1921 to 1933 ?

The Honourable Malik Sir Firoz Khan Noon : The starting pay of sub-assistant surgeons in the Punjab from 1914 onwards has been as follows :—

	Per mensem.
	Rs.
From 1914 to the 31st March 1919	90
From 1st April 1919 to the 30th September 1920	45
From 1st October 1920 to date	70

2. Since the 1st January 1931, the starting pay of new incumbents has been subject to a 15 per cent. cut, in addition to the emergency cut (which was 10 per cent. from 1st January 1932 to 31st March, 1933, and 5 per cent. from 1st April 1933 onwards).

PAY OF SUB-INSPECTORS OF POLICE.

***3352. Mian Nurullah :** Will the Honourable Finance Member be pleased to lay on the table the following information :—

Starting pay and grade of sub-inspectors of police along with any allowance (a) from 1912 to 1920, (b) from 1921 to 1933 ?

The Honourable Mr. D. J. Boyd : A statement is laid on the table :—

Statement showing the rates of pay of Sub-Inspectors of Police.

From 1912 to 1920.						Rs.
1st grade .. ..	..	..	..	..	..	100 per mensem.
2nd grade .. ..	..	..	..	..	..	80 do.
3rd grade .. ..	..	..	..	..	..	70 Do.
4th grade .. ..	..	..	..	..	..	60 Do.
5th grade .. ..	..	..	..	..	..	50 Do.

From 1921 to 1927.						Rs.
On appointment .. ..	..	..	..	..	..	80 per mensem
On completing 5 years' service .. ..	..	..	..	..	..	90 Do.
On completing 10 years' service .. ..	..	..	..	..	..	100 Do.
On completing 15 years' service .. ..	..	..	..	..	..	110 Do.
On completing 20 years' service .. ..	..	..	..	..	..	120 Do.
On completing 25 years' service .. ..	..	..	..	..	..	130 Do.
Selection grade IV .. ..	..	..	..	..	..	130 Do.
Selection grade III .. ..	..	..	..	..	..	140 Do.
Selection grade II .. ..	..	..	..	..	..	150 Do.
Selection grade I .. ..	..	..	..	..	..	160 Do.

From 1st April 1928 to the end of 1933.

A time scale of Rs. 80—5—130 with an efficiency bar at Rs. 110 and selection grades as noted below :—

	Rs.
1st Selection grade	160 per mensem
2nd Selection grade	150 Do.
3rd Selection grade	140 Do.
4th Selection grade	130 Do.

Statement showing the allowances and special pay sanctioned for the sub-Inspectors of Police and the date from which they were sanctioned.

Special Pay.

- | | |
|--|--|
| 1. For sub-inspectors of the C. I. A. (Criminal Investigation Agency) of the Railway Police. | Rs. 20 each. Sanctioned in the re-organisation of the Railway Police in 1918. |
| 2. For sub-inspectors of the Criminal Investigation Department. | Rs. 30 each. Sanctioned at the recommendations of the Indian Police Commission of 1902-1903. |
| 3. For Urdu Shorthand writers (sub-inspectors) of the Criminal Investigation Department. | Rs. 30 each. Sanctioned from 1st April 1920. |
| 4. For sub-inspectors of the Finger Print Bureau, Phillaur. | Rs. 15 each. Sanctioned from 1st April 1913. |
| 5. For prosecuting sub-inspectors | Rs. 30 each. Sanctioned from 1st April 1920. |
| 6. For head clerks (sub-inspectors) of the offices of Superintendents of Police, the Police Training School, Phillaur and Finger Print Bureau. | Rs. 30 each. Sanctioned from 1st April 1922. |
| 7. Sub-inspectors (Law Instructors) of the Police Training School, Phillaur. | Rs. 30 each. Sanctioned from 1st April 1927. |

Compensatory Allowance.

- | | |
|---|---|
| 1. Sub-inspector attached to His Excellency the Governor's Guard. | Rs. 25. Sanctioned from 1st April 1913. |
| 2. Sub-inspector attached to His Excellency the Viceroy's Guard. | Rs. 20. Sanctioned since 1909. |
| 3. Sub-inspectors of Simla district | Rs. 30 each. Sanctioned since 1916. |
| 4. Sub-inspectors employed at Murree, Kasauli, and Dalhousie. | Rs. 25 each. Sanctioned since 1923. |
| 5. Sub-inspectors employed at Kulu and Dharmasala | Rs. 15 each. Sanctioned since 1923. |
| 6. Sub-inspectors employed at Kotli Police Station (Rawalpindi district). | Rs. 25. Sanctioned from 1929. |

WATER CHANNELS FOR IRRIGATION.

***3353. Mian Nurullah :** Will the Honourable Revenue Member please state—

- (a) whether it is a fact that an owner of land in the colonies is required under rule 9 of the Canal and Drainage Act, 1873, to construct water-channels between each line of his fields for their proper irrigation ;
- (b) how many water-channels are necessary under rule 9 for the proper irrigation of a square ;
- (c) how many water-channels are usually made by a zamindar in his square for its proper irrigation ;
- (d) how much area of land (in *kanals*) is covered by such water-channels as a rule ;
- (e) whether it is a fact that these water-channels are not shown in revenue records and are included in the area of the *killas* through which they run ;
- (f) whether it is a fact that the zamindars have to pay land revenue, water rates, and other cesses for the area under such water-channels when the fields containing them have been cropped ;

[Mian Nurullah.]

- (g) whether the Government propose to eliminate the area under such channels or distinguish it by making some suitable entry in the revenue records so that the zamindars should not be made to pay Government dues for it ; if not, why not ?

The Honourable Sir Miles Irving : (a) No. Rule 9 of the Rules issued under the Canal Act was cancelled in 1928.

(b) Does not arise.

(c) and (d) The information is not available. The construction of these channels is at the discretion of the cultivator : their number and position are liable to alteration to suit the latter's needs.

(e) and (f) Yes.

(g) No. For the reason given in (c) and (d).

Mian Nurullah : Is the Government making enquiries with regard to parts (c) and (d) ?

The Honourable Sir Miles Irving : No. These irrigation channels are constructed at the good will and pleasure of the cultivators and it is not proposed to keep any official record of them.

WATER CHANNELS FOR IRRIGATION.

***3354. Mian Nurullah :** Will the Honourable Revenue Member please state—

- (a) whether it is a fact that the Settlement Committee, Lyallpur district, Lyallpur, passed a resolution requesting the Government for making a suitable entry in the revenue records in respect of water-channels required to be made to irrigate the land under rule 9 of the Canals and Drainage Act, 1878 ;
- (b) what action the Government has taken or proposes to take on the resolution ;
- (c) whether the Government intends to instruct the Settlement Officer, Lyallpur, to make the entry as desired by the Settlement Committee ;
- (d) whether the Government will refund the amount so realized ; if not, why not ?

The Honourable Sir Miles Irving : (a) Yes.

(b), (c) and (d) A report from the Settlement Officer is awaited.

BATAI.

***3355. Mian Nurullah :** Will the Honourable Revenue Member please state the percentage of area under—

- (a) *batai* land ;
- (b) cash rent in Lyallpur district for the years 1922 to 1933 and the average cash rent per acre ?

The Honourable Sir Miles Irving: A statement is laid on the table:—

Statement showing the percentage area under (a) Batai, (b) Cash rent in the Lyallpur district for the year 1922 to 1933.

1	2	3	4	5	6	7
Year.	Total cultivated area.	Area under batai.	Area under cash rent.	Percentage of Batai area to total cultivated area.	Percentage of cash rent area to total cultivated area.	Average cash rent per acre per nahri area only.
	Acres.	Acres.	Acres.	Per cent.	Per cent.	Rs. An. Ps.
1922-23	1,413,651	417,371	214,078	29	15	16 12 0
1923-24	1,411,230	19,757	213,228	30	15	22 3 1
1924-25	1,410,232	422,456	213,440	30	15	27 7 0
1925-26	1,433,788	426,020	221,252	30	15	26 8 1
1926-27	1,425,169	409,272	228,726	29	16	27 7 3
1927-28	1,440,847	403,351	239,552	28	17	38 2 11
1928-29	1,462,231	409,045	250,530	27	17	24 7 3
1929-30	1,513,609	420,408	247,928	28	16	26 8 2
1930-31	1,550,793	468,163	233,120	30	15	22 3 3
1931-32	1,589,090	546,773	204,385	34	13	20 13 10
1932-33	1,506,896	497,940	165,828	33	11	12 15 3

AVERAGE HOLDING IN LYALLPUR.

***3356. Mian Nurullah:** Will the Honourable Revenue Member please state the average holding of a peasant proprietor in the Lyallpur district?

The Honourable Sir Miles Irving: The attention of the honourable member is invited to question 2798¹ starred which gave the average area of zamindars' holdings. Separate figures for peasant proprietors are not available.

PRICE AND RENT OF AGRICULTURAL LAND.

***3357. Mian Nurullah:** With reference to my starred question No. 2741² answered on 22nd February 1934, will the Honourable Revenue Member be pleased to state how the prices mentioned in part (a) of the answer were arrived at?

¹ Volume XXIV page 147.

² Volume XXIV, pages 149-50.

The Honourable Sir Miles Irving : The average prices were arrived at by taking the total price shown in column 5 of statement No. XXVI of the Land Revenue Report for that particular year and dividing it by the cultivated area sold, as shown in column 4 of the same statement.

AUCTION OF LAND IN CHAK NO. 76, GUGERA BRANCH.

***3358. Mian Nurullah :** Will the Honourable Revenue Member please state—

- (a) whether it is a fact that this year or last year half a square of land was sold by public auction in Chak No. 76, Gugera Branch, in execution of a decree of a civil court ;
- (b) if so, for how much ;
- (c) whether it is a fact that in the same village some garden was auctioned in execution of a decree of a civil court ; if so, for how much ; whether the price also included the price of the fruit of the garden ;
- (d) whether it is a fact that the village is situated on the pacca road ;
- (e) how many miles it is from Lyallpur ;
- (f) what was the class of the land referred to in (a) and (c) above according to the classification of the last settlement ?

The Honourable Sir Miles Irving : (a) Yes ; in 1933.

(b) For Rs. 1,225, but the civil court concerned cancelled the auction and reaucted this land, together with the garden in (c) below, for Rs. 1,825.

(c) Yes, for Rs. 210 on the spot, but the civil court, concerned, reaucted it along with the land referred to in (a) above, for Rs. 1,825. There is nothing on the record to show that the price of the fruit was also included in the above price, but the presumption is that the articles attached to the land, under auction, are also taken into consideration at the time of its auction.

(d) Yes.

(e) 11 miles.

(f) Second class in both the cases.

CIVIL DISOBEDIENCE PRISONERS.

***3359. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) the number of civil disobedience prisoners in the province ;
- (b) whether the Government of India has invited the attention of the local Government as to the suspension of civil disobedience by Mahatma Gandhi and the Congress ;
- (c) whether the Government of India has suggested the release of the civil disobedience prisoners ;

(d) whether the Punjab Government in deference to the suggestion of the Government of India has released or intends to release the civil disobedience prisoners ;

(e) whether Government on their own initiative has decided to release the civil disobedience prisoners ?

The Honourable Mr. D. J. Boyd : (a) There were 12 Punjab, 7 Delhi and 3 North-West Frontier Province civil disobedience prisoners confined in the jails in the Punjab on 31st May 1934.

(b) and (c) The attention of the honourable member is invited to the *communiqué* issued on the subject by the Government of India on the 6th June 1934.

(d) and (e) It is not in the public interest that correspondence between the Government of India and the local Government should be disclosed.

CIVIL DISOBEDIENCE.

***3360. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

(a) whether it has been brought to the notice of local Government by the Government of India that civil disobedience has been suspended by the Congress ;

(b) whether the Government of India has suggested ways and means as to how the co-operation of the Congressmen can best be sought now ;

(c) whether the Government is prepared to lay on the table the communication of the Central Government on the subject mentioned above ?

The Honourable Mr. D. J. Boyd : (a), (b) and (c) The attention of the honourable member is invited to the *communiqué* published by the Government of India on June 6th : but it is not in the public interest to disclose correspondence between the Government of India and local Governments.

SUSPENSION OF CIVIL DISOBEDIENCE AND REMOVAL OF BAN ON CANDIDATES FOR ASSEMBLY.

***3361. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

(a) whether the Government of India has drawn the attention of local Government to the suspension of civil disobedience movement and has invited recommendations for removing the ban on possible candidates for the Assembly, who were convicted for more than a year ;

(b) whether the local Government recommended the removal of the ban ?

The Honourable Mr. D. J. Boyd : It is not in the public interest to disclose correspondence between the Government of India and the local Governments.

RAILWAY FREIGHT ON COTTON AND WHEAT.

***3362. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) whether the local Government has made any representation to the Government of India for reducing railway freight rates on the Punjab cotton and wheat between all Punjab stations and Karachi, Bombay, Madras, Cawnpore, Allahabad, Calcutta, Nagpur and Jabbalpore ;
- (b) whether that representation has met with success ;
- (c) whether the Government will lay a copy of the representation on the table ?

The Honourable Sir Miles Irving : (a) Yes.

(b) No.

(c) Under the rules applicable to correspondence with the Government of India the document in question cannot be published.

REDUCTION OF ABIANA AND LAND REVENUE.

***3363. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) whether the Government has received a memorial from the zamindara committee of Hindus, Muslims and Sikhs of *ilaga Mukerian*, district Hoshiarpur, praying for the reduction of *abiana* and land revenue ;
- (b) if so, what action, if any, has been taken by the Government on that memorial ?

The Honourable Sir Miles Irving : (a) Government are not aware of the existence of any zamindara committee in the Mukerian *ilaga* of the Hoshiarpur district. A petition, dated 9th May 1934, was, however, received purporting to be signed by some zamindars asking for the reduction of the *abiana* and land revenue for the current harvest.

(b) The facts mentioned in the petition were carefully enquired into by the local officers. As the result of the enquiry did not justify any action by way of relief, the document was filed.

REDUCTION OF LAND REVENUE.

***3364. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that zamindars of Hoshiarpur and Ludhiana have in mass meetings invited the attention of the Government to the failure of crops this year and prayed for the reduction of land revenue ;
- (b) what steps Government have taken on the resolution of the zamindars of Hoshiarpur and Ludhiana ?

The Honourable Sir Miles Irving : (a) Two petitions to this effect have been received from the residents of certain villages of the Hoshiarpur district.

(b) The matter has been referred to the Commissioner for disposal.

PUBLIC TRAFFIC ON CANAL BANKS.

***3365. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state whether the Government have decided to throw open the canal banks under the management of the Public Works Department (Irrigation Branch) to public traffic?

The Honourable Sir Miles Irving : No. The rules governing the use of canal roads and the issue of motor permits are contained in the Press *Communiqué* issued in September 1929 and letter No. 2748/2765-S.I., dated 2nd December 1930, from the Chief Engineer, Irrigation Works, Punjab, respectively. Copies of both are laid on the table.

PRESS COMMUNIQUE.

The following principles are applied in regulating the use of Canal roads and are published for the information of public.

1. *Both banks wide enough for roads and boundary roads also exist.*—The road on top of one bank only is reserved for Motor traffic as an Inspection road. No restrictions are ordinarily placed on the use by the public of the boundary roads and the top of the other bank.
2. *Both banks wide enough for roads and no boundary roads exist.*—The road on top of one bank is reserved for Motor traffic as an Inspection road. No restrictions are ordinarily placed on the use by the public of the top of the other bank.
3. *One bank wide enough for road and boundary roads exist.*—The road on top of the bank is reserved for Motor traffic as an Inspection road. No restrictions are ordinarily placed on the use by the public of the boundary roads.
4. *One bank only wide enough for road and no boundary roads exist.*—The road on top of the bank is reserved for Motor traffic as an Inspection road.
5. *Banks not wide enough for road but two boundary roads exist.*—One boundary road is reserved for Motor traffic as an Inspection road. No restrictions are ordinarily placed on the use by the public of the other boundary road.
6. *Banks not wide enough for roads and only one boundary road exists.*—The boundary road is reserved for Motor traffic as an Inspection road.

The above are subject to the following general rules :—

- (i) Permits are required for the use of the Inspection road by motors.
- (ii) The use of lorries on the Inspection roads is prohibited.
- (iii) The use of tum-tums, tongas, etc., on the Inspection roads is prohibited.
- (iv) The use of Inspection roads after rains even by motors is prohibited.
- (v) The use of Inspection roads after dark by any kind of vehicle is prohibited.
- (vi) All canal roads are used at user's risk entirely and Government is in no way responsible for any accidents or damage, as the roads are private and not public highways.
- (vii) Government reserves to itself the right of placing restrictions to use of any banks and roads for special reasons at any time.

Copy of a letter no. 2748/2765 S. I., dated the 2nd December 1930, from H. F. Ashton, Esquire, Chief Engineer, Irrigation Works, Punjab, Lahore, to all Superintending Engineers, Irrigation Branch, Punjab.

I HAVE the honour to state that there appears to have been some confusion as to the intention of the orders in Punjab Government letter No. 2041/58-S. I., dated the 17th October 1930, regarding motor permits for canal roads. These orders were issued with a view to effecting economy in the maintenance of canal roads by restricting their use to those—both officials and non-officials—whose business cannot be done without the use of certain reaches of canal roads.

2. I am directed to say that it has now been decided by the Governor in Council that permits for canal roads shall be issued as follows :—

- (1) *Permanent permits to :—*
 - (a) Heads of Departments.
 - (b) Commissioners and Deputy Commissioners.
 - (c) Deputy Inspectors-General of Police.

[The Hon. Sir Miles Irving.]

(d) Superintendents of Police.

(e) Officers of other Departments who have to use canal roads for the proper discharge of their duties.

(2) *Annual permits to :—*

(a) Assistant Commissioners and Assistant Superintendents of Police.

(b) Civil and Military Officers if Chief Engineers or Superintending Engineers are satisfied that these officers have to make use of canal banks for journeys on duty.

(c) General Officer Commanding a Brigade—
2 permits

(d) General Officer Commanding a District—4 permits

} will be issued by Chief Engineer only.

(e) Members of the Legislative Council—for roads in the areas which they represent where they need them to get to their homes and headquarters town.

(f) Land-owners—big land-owners to enable them to get to their lands, their homes and their headquarters town.

(3) *Occasional permits to :—*

(a), (b), (c) and (f) under (2) annual permits above. These can be issued by Executive Engineers as well as by Chief and Superintending Engineers.

3. Permits will be in the following forms :—

Permanent permits—green booklet.

Annual permits—red booklets.

Occasional permits—printed forms on paper as ordered in Chief Engineer's letter No. 2392/2410-S. I., dated 27th November 1929.

4. The general procedure should be that any canal officer will issue permits for roads in his charge only, i.e., if an applicant wants a permit for use of roads in one division only the Executive Engineer can issue an occasional permit; if an applicant wants a permit for use of roads in more than one division the application should be sent to the Superintending Engineer for issue of permit; if an applicant wants a permit for more than one Circle the application should be sent to the Chief Engineer for issue of permit.

Thus :—

(a) Occasional permits will be issued by Chief, Superintending and Executive Engineers.

(b) Annual permits will be issued by Chief and Superintending Engineers.

(c) Permanent permits will be issued by Chief Engineers only.

All permits will be issued on the understanding that canal roads will not be used when metalled public roads will serve the purpose.

5. I am to request that action may now be taken in accordance with these orders.

PUBLIC PARTIES TO PUBLIC SERVANTS.

*3366. Chaudhri Afzal Haq : Will the Honourable Finance Member be pleased to state—

(a) the number of public parties given in the province in honour of the public servants in 1933 ;

(b) whether the Government have ascertained the possible cost of such parties ;

- (c) whether the Government propose to ban such parties as a public nuisance?

Mr. C. C. Garbett (Chief Secretary): (a) Government have no information.

(b) No.

(c) No: but the attention of the honourable member is invited to rule 8 of the Government Servants Conduct Rules and to the directions contained in Punjab Government notification No. 2958-S., dated 28th July 1927.

Khan Bahadur Sardar Habib Ullah: May I know whether the Government Servants Conduct Rules and the notification referred to in the answer are a dead letter or whether they are effective?

Mr. C. C. Garbett: So far as is in our power to see that they are effective they are effective.

CULTIVATED AREA IN AMBALA DISTRICT.

***3367. Chaudhri Allah Dad Khan**: (i) Will the Honourable Revenue Member please state—

- (a) the area of cultivated land of the following villages in Naraingarh tahsil of the Ambala district, (i) according to the settlement of 1887-88, (ii) according to the settlement of 1918-20, (iii) in the year 1933—

(1) Sangrani,	(6) Nabipur,
(2) Rasaur Kalan,	(7) Rao Mazra,
(3) Rasaur Khurd,	(8) Manak Tabra,
(4) Shahpur,	(9) Khangesra,
(5) Haveli,	(10) Bilah,

(11) Kot Rataur;

- (b) whether he is aware that the decrease in area in the figures in (ii) and (iii) in (a) represents the area washed away by the river flowing past them;

(c) the average of cultivated area possessed by each agriculturist in the villages mentioned above;

(ii) if the answer to (c) shows insufficient area for the maintenance of the individual and the family dependent on him, what action the Government intends to take in the matter?

The Honourable Sir Miles Irving: (i) (a) and (c) The statement is laid on the table.

(b) No; except in the case of village Rasaur Khurd.

(ii) Does not arise.

[The Hon. Sir Miles Irving.]

Statement showing cultivated area of villages in tahsil Naraingarh.

1	2			3	4	5
Name of village	CULTIVATED AREA IN ACRES IN			Increase or decrease in (ii) and (iii).	Number of owners.	Average per owner of (iii).
	1887-88 (i).	1917-18 (ii).	1933 (iii).			
1. Sangrani ..	282	220	236	+16	82	3
2. Rassaar Kalan ..	493	494	501	+7	82	6
3. Rassaar Khurd ..	111	117	102	-15	2	51
4. Shahpur ..	354	315	330	+15	11	30
5. Haveli ..	686	693	758	+65	257	3
6. Nahipur ..	260	258	258	..	21	12
7. Rao Majra ..	187	155	156	+1	39	4
8. Masak Tabra ..	902	874	874	..	173	5
9. Khangaera ..	539	528	532	+4	98	5
10. Bilah ..	1,094	1,128	1,148	+20	271	4
11. Kot ..	867	943	954	+11	223	4
12. Rataur ..	1,238	1,445	1,460	+15	404	4

BENAMI TRANSACTIONS IN GOHANA TAHSIL.

*3368. Chaudhri Allah Dad Khan: Will the Honourable Revenue Member please state—

- whether an article entitled "the violation of the Alienation of Land Act", etc., published on page 4, column 2, of the "Muslim Rajput" of the 16th May 1934, has come under the notice of the Government;
- how much land of the minors named Abdur Rahman and Abdul Razzaq referred to in the article in (a) has been transferred during the last twelve months and for what amount;
- whether Lala Amrit Lal mentioned in the article in (a) is an honorary magistrate;
- in whose name the *benami* mutations mentioned in the article in (a) have been attested;
- what other mutations of *benami* transactions have been attested in the Gohana tahsil of the Rohtak district during the last twelve months;

(f) if the answer to (a) is in the affirmative, what action the Government intends to take in the matter ?

The Honourable Sir Miles Irving : (a) Yes ; through the question under reply.

(b) Four bighas 13 biswas of land with *shamilat* share for Rs. 1,450.

(c) Yes.

(d) The mutation was attested in favour of Sardar Singh, Jat. Government have no knowledge that the transaction was *benami*.

(e) None, so far as Government have knowledge.

(f) None.

LAHORE MUNICIPAL COMMITTEE.

***3369. Mr. Muhammad Din Malak :** With reference to the reply to starred question No. 497,¹ regarding the proportion of elected and appointed members of the Lahore Municipal Committee, wherein Government had stated that—

(i) " the wards will be reconstituted as early as possible, "

(ii) " a definite assurance is given that the next elections will be held on the basis of revised wards : "

will the Honourable Minister for Local Self-Government please state—

(a) whether Government have come to a final decision in regard to the revised wards during the last 39 months ; if not, why not ;

(b) whether the next elections would be held on the basis of revised wards ; if not, why not ;

(c) the date on which it is proposed to hold the next elections ?

The Honourable Dr. Gokul Chand Narang : (a) Proposals regarding the new ward boundaries were published for objections in November 1933. A number of objections were made against the proposals in respect of the Muslim wards. Revised proposals have accordingly been published in the issue of the *Punjab Gazette* dated the 15th June 1934. The Gazette notification allows objections to be filed against the revised proposals up till the 29th June 1934. It is hoped that it will be possible for final orders to be passed on the case shortly after this last date.

(b) Yes.

(c) The next general election will be held as soon after the completion of the ward revision as is compatible with the provisions of the Municipal Election Rules, 1930.

INDEBTEDNESS OF SARDAR KHARAK SINGH, DIVISIONAL AGRICULTURAL OFFICER.

***3370. Mr. Muhammad Din Malak :** With reference to reply to starred question No. 2989² in regard to Sardar Kharak Singh's debts wherein it was stated—

(i) that Government had no exact information, and

¹Volume XVIII, page 716.

²Volume XXIV, pages 593-94.

[Mr. Muhammad Din Malak.]

(ii) that further inquiry would be made,

will the Honourable Minister for Agriculture now please state the result of the promised inquiry, particularly with reference to the points—

- (a) whether it is a fact that Sardar Kharak Singh is heavily in debt ;
- (b) whether Sardar Kharak Singh's debts are in excess of his two years' salary ;
- (c) whether he has been and is carrying on business in sugar making machines and other agricultural implements ; and
- (d) whether it is a fact that a case was actually instituted in a court at Lyallpur for selling a defective machinery ?

The Honourable Sardar Sir Jogendra Singh : The reply to this question is not yet ready. Enquiry is being made and the reply will be communicated to the honourable member in due course.

Mr. Muhammad Din Malak : How much time will the Government take in making enquiries? In the last session the same question was put and it was said then that the Government had not got full information and that the information would be obtained. Since then four months have passed.

The Honourable Sardar Sir Jogendra Singh : The information was then given. As for the present question, will the honourable member please say when he gave notice of it?

INDEBTEDNESS OF SARDAR KKHARAK SINGH, DIVISIONAL
AGRICULTURAL, OFFICER.

***3371. Mr. Muhammad Din Malak :** With reference to question No. 2989, volume XXIV, page 599, will the Honourable Minister for Agriculture please state if it is a fact that Sardar Kharak Singh has been owing heavy debts for a considerable time past ; if so, the reason why Government have not so far taken any action under rule 16 of the Government Servants' Conduct Rules ?

The Honourable Sardar Sir Jogendra Singh : The reply to this question is not yet ready. Enquiry is being made and the reply will be communicated to the honourable member in due course.

Mr. Muhammad Din Malak : What action has been taken ?

The Honourable Sardar Sir Jogendra Singh : The matter is under enquiry.

Mr. Muhammad Din Malak : Is it not the practice of Government to put under suspension such officers whose conduct is under enquiry ?

The Honourable Sardar Sir Jogendra Singh : No.

MR. COYNE, SUPERINTENDENT, IRRIGATION SECRETARIAT.

***3372. Mr. Muhammad Din Malak :** With reference to the supplementary question arising out of starred question No. 3006,¹ will the Honourable Revenue Member please state—

- (a) whether it is not a fact that in the past Mr. Coyne had been suspended under rule 16 of the Government Servants' Conduct Rules and the order of suspension was lifted on his undertaking to liquidate his liabilities within a certain time ;
- (b) if the reply to above be in the affirmative, why no action was taken seeing that Mr. Coyne had failed to clear his liabilities within the time allowed him for the purpose ?

The Honourable Sir Miles Irving : (a) The reply is in the negative.

(b) Does not arise.

Mr. Muhammad Din Malak : Am I to understand that Mr. Coyne was never put under suspension ? Has he not been put under suspension in the past ?

The Honourable Sir Miles Irving : The answer says that he has not been put under suspension.

Mr. Muhammad Din Malak : During the whole of his career ?

The Honourable Sir Miles Irving : I assume this to be the case.

MR. COYNE, SUPERINTENDENT, IRRIGATION SECRETARIAT.

***3373. Mr. Muhammad Din Malak :** With reference to reply to starred question No. 3006¹ relating to Mr. Coyne's debts wherein it was stated that the matter was under consideration, will the Honourable Member for Revenue now please state—

- (a) the result of the consideration ;
- (b) whether it is a fact that a moiety of his salary has been under attachment ; if so, for what length of time ;
- (c) whether his pay is still attached ; if so, since when ;
- (d) whether he has been unable to pay his debts within the period of two years from the date of taking loans ;
- (e) if replies to (b), (c) and (d) or to any of them be in the affirmative, the reason as to why no action under rule 16 of the Government Servants' Conduct Rules was taken ?

The Honourable Sir Miles Irving : (a) A final decision is awaiting the orders of the Court on an agreement that, it is understood, has been made between Mr. Coyne and his creditors.

(b) Yes, for approximately 24 months.

(c) Yes, his pay has been attached since 1929 with the exception of certain period of long and short leave. Under the orders of the Court less than a moiety has been deducted since April 1932.

(d) Yes.

(e) Action has been taken to examine the case as required by Rule 16 (3) and (4).

SELECTION OF SUB-JUDGES.

✓*3374. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Finance Member kindly place on the table of the House a statement giving the following particulars in respect of the candidates selected as sub-judges this year :—

- (a) tribe (not religion) and district of origin ;
- (b) the position obtained on the list of successful candidates ;
- (c) division in which the LL.B. examination was passed ;
- (d) whether related to a judicial officer ; and if so, the exact description of relationship ;
- (e) whether a member of ministerial establishment ?

Mr. C. C. Garbett (Chief Secretary) : The High Court's selection, after medical examination, is still awaited, when received it will be communicated.

STATUTORY HINDU AGRICULTURISTS AS SUB-JUDGES.

✓*3375. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state—

- (a) the number of statutory Hindu agriculturists, who have been selected as sub-judges since the inception of the so-called competitive test ;
- (b) the total population of (Hindu) Jats, Rajputs, Ahirs, Gujars, Malis, Sainis, Gaur Brahmans, Dogras and Kanets alone of the recognised agricultural tribes ;
- (c) the population of Indian Christians ;
- (d) the population of Jains ;
- (e) the population of Europeans and Anglo-Indians ;
- (f) whether it is a fact that Indian Christians and Europeans and Anglo-Indians are recognised as separate groups for the purpose of recruitment to services and Jains were also recognised as a portion of the group " others " for some time so far as recruitment of sub-judges was concerned ;
- (g) whether it is a fact that statutory Hindu agriculturists are not recognised as a separate group, either formally or informally, for the purpose of recruitment ;
- (h) the number of Indian Christians and relations of judicial officers or members of ministerial establishment who have been recruited as sub-judges under the present system and the exact position which they occupied on the list of successful candidates ;
- (i) whether Government has so far taken or proposes to take any steps to secure a reasonable share for statutory Hindu agriculturists in the cadre of sub-judges ?

Mr. C. C. Garbett (Chief Secretary) : (a) None. The honourable member's attention is invited to the last sentence of the answer given to part (i) of his starred question No. 3269.¹

(b) to (e) The honourable member is referred to the Census Report, 1931, Volume XVII (Part), a copy of which is in the Council Library ;

(f) No.

(g) Yes, viz., Hindu agriculturists are not recognized as a separate group.

(h) 1928 ; one Indian Christian ; position 81st.

1929 ; none from the classes mentioned.

1930 ; one Indian Christian ; position 91st ; two relatives of Judicial officers ; positions 14th and 69th.

1931 ; one Indian Christian ; position 73rd, two relatives of judicial officers ; positions 6th and 12th.

1932 ; one Indian Christian ; position 78th, one relative of a judicial officer ; position 30th.

One member of the ministerial establishment ; position 18th.

1933 ; No examination.

1934 ; one Indian Christian subject to passing his medical examination ; position 61st.

(i) Government is not prepared to go beyond the principles enunciated in the speech of the Honourable Member for Finance in the Punjab Legislative Council on the 19th July 1927 reproduced on pages 873 to 877 of the Debates of the Punjab Legislative Council, Volume X-B.

ALIENATIONS OF AGRICULTURISTS' LAND.

*3376. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state in respect of the districts of Rohtak and Hissar—

(a) the number of references made by civil courts to collectors for the temporary alienations of statutory agriculturists' land in the execution of decrees ;

(b) the number of cases in which the proposal of the collector was accepted ?

The Honourable Sir Miles Irving : If the honourable member will specify the period for which the information is required, I shall be glad to collect it for him.

ALIENATIONS OF AGRICULTURISTS' LAND.

*3377. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly lay on the table of the House in respect of the districts of Rohtak and Hissar a statement showing—

(a) the number of cases in which the proposal of the collector for temporary alienation of an agriculturist's land for a definite period for complete liquidation of the decretal debt was replaced by civil courts with their own proposal for auctioning the right of usufruct for that period and giving credit to the judgment-debtors to the extent of the sale-proceeds ;

✓ [R. B. Ch. Chhotu Ram.]

- (b) the number of cases in which civil courts arrogated to themselves the power of partitioning joint holdings and delivering possession of specific *khasra* numbers ;
- (c) the action, if any, taken to prevent the undesirable and illegal course alluded to in (a) and (b), respectively ?

The Honourable Sir Miles Irving : If the honourable member will specify the period for which the information is required I will endeavour to collect it for him, if this can be done with reasonable expenditure of labour.

RULE UNDER SECTION 61, CIVIL PROCEDURE CODE.

✓ *3378. **Rao Eshadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state—

- (a) whether any rules under section 61 of the Civil Procedure Code have been framed by the local Government ;
- (b) whether the standing order of the Financial Commissioner which was quoted in answer to starred question No. 2985¹ asked by me during the last budget session is binding on civil courts ;
- (c) if the standing order referred to in (b) is not binding on civil courts, whether Government intends to frame any rules now ?

The Honourable Sir Miles Irving : (a) No.

(b) The effective portions of Standing Order No. 64 are based on the rules and orders of the High Court, and they are, therefore, as such binding on the civil courts ;

(c) Does not arise.

MURDER OF MUNSHI ABDULLA KHAN, SUB-INSPECTOR OF POLICE, ROHTAK.

✓ *3379. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state—

- (a) whether it is a fact that Munshi Abdulla Khan, sub-inspector of police, of Rohtak, was fired at on the 8th May, 1934, in the evening when he was returning after having settled with the superintendent of police the details of a raid which was to be made for the arrest of the notorious absconder, Mughla ;
- (b) whether it is a fact that Munshi Abdulla Khan succumbed to his injuries on the 9th May, 1934 ;
- (c) whether it is a fact that Munshi Abdulla Khan has left behind him an aged mother, a widow, three sons of whom only one is major and three daughters of whom only one is married ;
- (d) what reward Government proposes to make immediately to the dependents of Munshi Abdulla Khan and what provision it is intended to make for the proper maintenance and the education of his children ?

The Honourable Mr. D. J. Boyd : (a), (b) and (c) Yes.

(d) An amount of Rs. 400 was given immediately to the dependents of the deceased sub-inspector and his eldest son has been appointed an assistant sub-inspector of police. Recommendations for the grant of an extraordinary pension to the family of the deceased officer are under the consideration of Government.

✓ ABSCONDERS IN ROHTAK DISTRICT.

*3380. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state—

(a) the number of absconders in the Rohtak district on the 1st June, 1934 ;

(b) the number of absconders arrested between the 15th January and the 1st June, 1934, by (i) private persons and (ii) the police ?

The Honourable Mr. D. J. Boyd : (a) Ninety-five.

(b) (i) One.

(ii) Thirty-two, of whom eighteen were arrested by the police on information received from private persons.

✓ CRIMINAL CASES IN ROHTAK.

*3381. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the number of criminal cases put into court by the police in 1930, 1931, 1932, and 1933, respectively in Rohtak district and the proportion of these cases which resulted in conviction ?

The Honourable Mr. D. J. Boyd : A statement is laid on the table.

Statement.

Year.					Number of cases put into Court by Police.	Number of cases convicted.	Percentage of cases convicted to cases tried.
1930	..	..	..	..	644	399	61.9
1931	..	..	..	..	584	309	52.9
1932	..	..	..	..	813	534	65.6
1933	..	..	..	..	663	462	69.6

RECOVERIES OF DEBTS BY CENTRAL CO-OPERATIVE BANK, ROHTAK AND CO-OPERATIVE UNION, SONEPAT.

✓ *3382. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Agriculture kindly state the recoveries of debts made by the Central Co-operative Bank of Rohtak and the Co-operative Union of Sonapat in 1930, 1931, 1932, 1933 and 1934, respectively ?

The Honourable Sardar Sir Jogendra Singh : The figures asked for by the honourable member are all available from the return attached to the annual reports of the Department. For facility of reference these figures are :—

	Year ending 31st of August 1930.	Year ending 31st of August 1931.	Year ending 31st of August 1932.	Year ending 31st of August 1933.
	Rs.	Rs.	Rs.	Rs.
<i>Bohtak Central Co-operative Bank, Limited.</i>				
1. Recoveries made from societies..	1,54,820	2,80,288	39,316	47,867
<i>Bonepat Co-operative Banking Union, Limited.</i>				
2. Recoveries made from societies..	81,196	69,759	20,138	34,635

The Co-operative year in central banks ends on the 31st of August, the figures for 1934 are therefore not yet available.

SECRETARY, DISTRICT BOARD, FEROZEPORE.

***3383. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that rule 6, part I, Punjab Government notification No. 3919, dated 8th February, 1926, lays down that every district board shall observe those principles of administration of which the local Government has approved in its several departments ;
- (b) whether it is a fact that the Secretary to Government, Punjab, Finance Department, in his circular letter No. 12368, dated 9th April, 1931, to the address of all heads of departments, directed that no substantive appointment be made to any post permanent or temporary on or after 1st January, 1931 ;
- (c) whether the above circular was sent to district boards also ;
- (d) if so, whether it was intended that the district boards should act upon it ;
- (e) if it was intended that district boards should follow the directions in this circular, whether it is a fact that the District Board, Ferozepore, confirmed their new Secretary (who was appointed on 1st June, 1933),—vide district board resolution No. 77 of 10th April, 1934 ;
- (f) whether it is a fact that after the receipt of the above circular, many appointments have been made by the District Board, Ferozepore, but no one, except the Secretary, District Board, has been confirmed ;
- (g) the number of appointments made by the board after 1st January, 1931, and the number of those confirmed ;

- (h) if the confirmation of the Secretary, District Board, is against the direction of the Government, what action is proposed to be taken in the matter?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Yes.

(c) No.

(d) No.

(e) The Secretary was confirmed by the resolution cited.

(f) A number of appointments have been made by the District Board after 1st January 1931. It is not correct that none of the persons thus appointed, other than the Secretary, have been confirmed :—

(g) Name of Department.	Number of appointments made after 1st January 1931.	Number of employees confirmed.
General Department ..	2	1
Medical	8	2
Public Health	7	5
Veterinary	8	..
Education	(figures not available).	

(h) Does not arise.

RECOVERY OF PROFESSIONAL TAX IN THE FEROZEPORE DISTRICT.

***3384. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Local Self-Government be pleased to state whether it is a fact that a memorial has been submitted to the Government by some people of Ferozepore district stating that the recovery of professional tax in the Ferozepore district has almost been stopped and that the entire burden of district board expenses has fallen on agriculturists, and non-agriculturists are being improperly benefited; if so, what action he is prepared to take in this connection?

The Honourable Dr. Gokul Chand Narang : A memorial in the sense indicated was lately received by Government, and is under examination.

GRANT TO THE DISTRICT BOARD, FEROZEPORE.

***3385. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that on 31st March, 1934, a large number of bills for works and repairs remained unpaid in the District Board, Ferozepore;

[Maulvi Mazhar Ali Azhar.]

- (b) if so, the total sum of all such outstanding bills ;
- (c) whether it is a fact that among these pending bills there were some bills which would have affected the Government grant if the payment of the said bills was not made before 31st March, 1984 ;
- (d) if so, to what extent the grant of the District Board, Ferozepore, has been affected on account of the delay in the payment of such bills ;
- (e) whether Government intends to overlook this omission and sanction full grant to the District Board, Ferozepore ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) About Rs. 51,000.

(c) No.

(d) } Do not arise.
(e) }

It may be added that it would have been better if the question had been more explicit and direct.

SECRETARY, DISTRICT BOARD, FEROZEPORE.

***3386. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that in 1982 the District Board, Ferozepore, invited applications for the post of secretary, district board ;
- (b) whether it is a fact that one of the applicants was a secretary of a district board with 10 years' experience who was also well spoken of by his officers ;
- (c) whether it is a fact that the Government has issued certain directions for filling up such posts and one of the directions was that experienced men should be preferred to others ;
- (d) whether it is a fact that in spite of the Government instructions and in spite of the fact that there was an experienced applicant with higher qualifications, another man who was quite inexperienced and was merely a B. A. was preferred for this post ;
- (e) whether the Deputy Commissioner, Ferozepore, who recommended the selected candidate for the post of secretary, district board, gave any reason for his recommendation and why the experienced man was not recommended ;
- (f) whether the Deputy Commissioner sent for the list of applications and went through it before recommending the best man ;
- (g) if it is correct that the best applicant was not selected, what action he is prepared to take in the matter ?

The Honourable Dr. Gokul Chand Narang : (a) Applications were invited in January 1983.

(b) No.

(c) Yes.

(d) The Board made its selection by a heavy majority. The candidate selected was adequately qualified.

(e) Reasons were given.

(f) The names of all the applicants were considered by a sub-committee of the Board, of which the Deputy Commissioner acted as Chairman. The sub-committee recommended seven names for the Boards' consideration.

(g) Does not arise.

PROFESSIONAL TAX IN THE DISTRICT OF FEROZEPORE.

***3387. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the Government sanctioned the levy of professional tax in the district of Ferozepore ;
- (b) whether it is a fact that during the last three years a sum of about rupees one lakh was collected on this account ; if not, how much tax was recovered during the last three years ;
- (c) whether it is a fact that a separate staff was engaged by the District Board, Ferozepore, for the realization of this tax ;
- (d) whether it is a fact that the District Board authorities by virtue of the Board's resolution No. 16 of 24th October, 1933, dispensed with the services of professional tax staff and in their stead, sought the help of District Board members and tahsildars for the realization of this professional tax ;
- (e) if so, how much tax has been realized from 1st January, 1934, the date of discharge of professional tax staff, to 31st May, 1934, and what is the amount of new assessment ;
- (f) whether it is a fact that the sanction of the Commissioner, Jullundur division, was necessary prior to the assignment of such duties on the tahsildars ;
- (g) whether it is a fact that the Commissioner, Jullundur division, declined to grant such sanction ;
- (h) if so, whether he will place the letter of the Commissioner on the table ;
- (i) whether it is a fact that the Commissioner gave order that the professional tax staff should at once be re-engaged for the realization and assessment of professional tax ;
- (j) whether it is a fact that there have been many meetings of the District Board, Ferozepore, since then, but no action has been taken on the Commissioner's orders ;
- (k) to what extent it is anticipated that the District Board, Ferozepore, will sustain loss by delaying action on the Commissioner's orders ;
- (l) the circumstances which are hindering the appropriate action to be taken in the matter and how long such state of affairs will be allowed to go on ;

[Maulvi Mazhar Ali Azhar.]

- (m) whether it is a fact that in the absence of professional tax staff the District Board, Ferozepore, is running under a financial loss ; and if so, who is responsible for the loss to the District Board ;
- (n) whether he will place a comparative statement showing the professional tax income from 1st January to 30th April of the years 1981, 1982, 1983 and 1984 on the table ; and whether there has been a decrease in the year 1984 when the services of the professional tax establishment were dispensed with and the work of realization of the professional tax was entrusted to district board members, zaildars, etc. ;
- (o) what hitch there is in re-employing the old permanent staff which was discharged as a measure of retrenchment only ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Recoveries totalling Rs. 87,022 were effected during the years 1981-82, 1982-83 and 1983-84.

(c) Yes.

(d) Yes. The intention of the resolution was that the collections should be made by village headmen (who were to receive a percentage on the collections) under the supervision of a special naib-tahsildar. It was not intended to utilise the services of the tahsildars in the collection work.

(e) Rs. 588. The figures of the new assessment are not yet available.

(f) See reply to (d) above. It was not proposed to utilize the help of tahsildars in the realizations.

(g) Does not arise.

(h) Does not arise.

(i) No.

(j) Does not arise.

(k) Does not arise.

(l) The District Board has since re-engaged a special collection staff of paid employees.

(m) The temporary abolition of the special staff may have delayed the realizations but is not expected to affect their final result.

(n)	<i>Professions tax.</i>	<i>Income.</i>	
		Rs.	
	1st January 1981 to 30th April 1981	..	6,298
	1st January 1982 to 30th April 1982	..	5,878
	1st January 1983 to 30th April 1983	..	5,300
	1st January 1984 to 30th April 1984	..	541

(o) A paid staff has already been re-engaged by the Board.

NAZUL LAND IN THE VILLAGE BHABRA, TAHSIL LAHORE.

***3388. Maulvi Mazhar Ali Azhar :** Will the Honourable Member for Revenue please state—

- (i) (a) whether there is any Government *nazul* land in the village Bhabra, tahsil Lahore ;

- (b) if so, the total area of this land ;
- (c) whether it is a fact that the zamindars of Bhabra have been in possession of this *nazul* land for about sixty years ;
- (d) if so, whether the Government ever held out any promise to zamindars to confer proprietary title on this *nazul* land ;
- (e) whether the zamindars have applied that they should be given proprietary rights over this land ;
- (f) if so, what action Government has taken on it ;
- (g) when and for what period the first lease-bond was executed, and what were its terms ;
- (h) whether the zamindars were asked to pay Rs. 500 to give them proprietary rights forthwith or whether they were to obtain the same rights after 20 years paying up the amount of Rs. 500 through this period ;
- (i) when the last bond was executed ;
- (j) whether it is a fact that the Revenue Assistant and the Tahsildars of Lahore arranged with the zamindars concerned to lease out of this area a piece of about 53 *kanals* to the Punjab Flying Club for purposes of a road which has now passed to the Northern India Flying Club ;
- (k) whether it was settled that the Flying Club was to be regarded as a sub-lessee to the zamindars ;
- (l) if so, what was the amount fixed by the Government officers to be paid by the Club to the zamindars as rent for this land ?
- (ii) Will the Hon'ble Member please place the lease-bonds so far executed on the table ?

The Honourable Sir Miles Irving : (a) Yes.

(b) 800 *kanals* and 2 *marlas* (82.64) acres.

(c) Land has been leased to the tenants from time to time since about 1868.

(d) Yes. A promise of purchase of proprietary rights was held in the leases granted to the tenants under the Financial Commissioners' order in 1917.

(e) Yes.

(f) The matter is being investigated by the local officers.

(g) It appears that no copy of any lease deed prior to the one executed by the tenants on 17th April, 1908, is available.

(h) In the year 1887 the Financial Commissioner sanctioned a proposal by the Deputy Commissioner to the following effect :—

“ That the Bhabra tenants be maintained on the land in their possession, that they be given proprietary rights in the amount of their holdings in 1868 and in any land since inherited or purchased from holders in 1868, that leases for ten years be given to the holders since 1868, 25 per cent. being added to the revenue assessment as *malikana* with right of purchase on paying five times the revenue and *malikana*. ”

(i) The last lease appears to have been executed in 1925.

(j) A metalled road occupying an area of 52 *kanals* 18 *marlas* was constructed by the Punjab Flying Club which has recently passed to the Northern India Flying Club. No records of any negotiations between the Punjab Flying Club and the lessees through the Revenue Assistant or the Tahsildar, Lahore, is available ;

[The Hon. Sir Miles Irving.]

(k) No.

(l) Does not arise.

(ii) A copy of the lease deed executed in 1903 is placed on the table. This is the only lease available in the office of the Deputy Commissioner, Lahore.

Serial No.	Name.	Father's name.	Caste.	Resident.
1	Mst. Talia, widow of Fazal Din	..	Arain	Kila Gujar Singh.
2	Mst. Umari, mother of Fazal Din.	..	Do.	Ditto.
3	Amir	Jowaya ..	Kambo ..	Ichhra.
4	Shahab	Jowaya ..	Do.	Ditto.
5	Fateh Din	Nur Moham- mad.	Do.	Ditto.
6	Ditta	Punnun ..	Do.	Ditto.
7	Mahtab	Ahmad ..	Do.	Ditto.
8	Gulab	Ahmad ..	Do.	Ditto.
9	Charagh Din	Karam Din..	Do.	Ditto.
10	Kalu	Bani ..	Arain ..	Chak Bhabra..
11	Hamun	Bani ..	Do.	Ditto.
12	Amam Din	Ahmad ..	Do. ..	Ditto.
13	Ghulam Mohammad	Nawab ..	Jat	Ditto.
14	Khuda Bakhsh	Nawab ..	Do.	Ditto.
15	Shahab	Kaman ..	Do.	Ditto.
16	Hira.,	Dina ..	Do.	Ditto.
17	Ghulam Nabi	Ranjha ..	° Do.	Ditto.
18	Amam Din	Ranjha ..	Do.	Ditto.
19	Karim Bakhsh	Ranjha ..	Do.	Ditto.
20	Fatteh Mohammad	Rahim Bakhsh	Do.	Ditto.
21	Ghauns Mohammad	Rahim Bakhsh	Do.	Ditto.
22	Pandit Kanshi Ram	Ram Nath ..	Brahman..	Lahore.
23	Shankar Das	Balak Ram..	Banya ..	Ditto.
24	Sarab Dayal	Bulaki Shah	Khatri ..	Ditto.

the proprietary body of M. Bhabra.

GENERAL FORM OF LEASE OF WASTE LAND IN THE PUNJAB.

PART I.—FORM A (1) FOR LEASES CARRYING NO PROMISE OF OCCUPANCY OR PROPRIETARY RIGHTS.

THIS INSTRUMENT OF LEASE made the 17th day of April in the year of Our Lord one thousand nine hundred and three between the Secretary of State for India in Council (hereinafter called the Government) and *(see opposite) son of *(see opposite) caste *(see opposite) resident of *(see opposite) (hereinafter called the lessees) witnesseth that, in pursuance of orders contained in a letter No. 246, dated 1st April 1899, from the Revenue and Financial Secretary to Government, Punjab, to the Senior Secretary to Financial Commissioner, Punjab and communicated to the Deputy Commissioner of Lahore by the Commissioner and Superintendent, Lahore division in his letter No. 203, dated the 13th April 1899; and in consideration of the rent herein reserved and the stipulations herein contained and to be observed by the said lessees, their heirs, legal representatives and assigns, the Government doth hereby grant unto the said lessees, their heirs, legal representatives and assigns a lease of all the Government waste lands described in the schedule hereunto annexed upon the following conditions:—

1. The lease shall be for the remaining term of settlement with effect from *kharif* 1898 subject to payment of Rs. 25, on account of land revenue and Rs. 25 on account of *malikana* per annum.

The rights of the several lessees in this leased land are determined by the proportion of revenue which each pays on the land owned by him in M. Bhabra.

2. The Government does not grant to the lessee, but hereby excepts and reserves to itself out of and in respect of the said lands all existing rights to and over all mines and minerals, coals, gold washings, earth-oils, and quarries in, under or upon, and also all rivers, streams and water-courses, and all public thoroughfares within and traversing the said lands, or any part thereof.

PART II.—STIPULATIONS OF THE LESSEES.

The lessees do hereby agree—

1. That they will pay the yearly rent reserved in two equal half-yearly instalments at Lahore on the First (1st) day of December and the Fifteenth (15th) day of June the first instalment being payable on the First (1st) day of December 1898.

2. That they will pay when due all rates and cases chargeable on the land, and also all charges (other than penalties) at any time leviable under Chapter VIII of the Punjab Land Revenue Act, 1887, in respect of the land leased to them. The words "rates" and "cesses" in this clause have the same meaning as in the Punjab Land Revenue Act, 1887. For the purpose of determining the amount of rates and cesses payable under this clause, the amount of the land revenue above stated shall be considered to be Rupees Twenty-five only (Rupees 25).

3. That they will permit the officers of Government to enter on the said lands for all purposes connected with the construction, maintenance, or repair of new as well as of existing thoroughfares and water-courses.

Provided that no compensation either by reduction of rent or otherwise shall become due to the lessees from Government by reason of any such operations.

4. That they will permit the officers of Government in like manner to enter and do all acts and things necessary or expedient for the full enjoyment of the right reserved to Government to or over all mines, minerals, coals, gold-washings, earth-oils and quarries, in, under or upon, the said land.

Provided that reasonable compensation shall be made to the lessees by Government for all damage to the said lands, or to any property of the lessees thereupon occasioned by the exercise of the rights herein reserved to Government to or over all mines, minerals, coals, gold-washings, earth-oils, quarries in, under or upon, the said lands. The amount of such compensation shall be determined by the Collector of Lahore and the said lessees. In the event of their being unable to agree upon the same, or in case of any dispute arising between the lessees and the Government as to the property and rights hereby reserved to Government, or as to any matter in any way relating thereto, the question shall be referred by the Collector to the officer empowered to sanction the application for the lease of the said lands, whose decision shall be final and conclusive between the parties to this lease.

5. That they will not do any act inconsistent with, or injurious to, any of the rights excepted and reserved to the Government in clause 2 of Part I of this lease, and will not in any way interfere with the lawful use by the public of any thoroughfare within the said lands.

[The Hon. Sir Miles Irving.]

6. That they will duly comply with such directions as the Collector shall issue requiring him to construct boundary marks on the limits of the said lands, and will keep them, when erected, in good repair.

7. That they will not cultivate or otherwise manage the said lands or any part of them, in a manner calculated to injure them permanently or to lessen their value.

8. That they will not assign or part with the possession of the said lands or any part thereof except to cultivators holding of themselves without the written permission of Government first obtained.

9. That they will at the end or other sooner determination of the term peaceably leave and surrender the said lands to the Government.

PART III.—RIGHTS AND POWERS OF GOVERNMENT.

IT IS HEREBY AGREED between the Government and the lessees :—

1. That arrears of rent or of any taxes rates or assessments whatsoever may be recovered by Government from the lessees in the same manner as arrears of land revenue may be recovered.

2. That if at any time the lessees fail to comply with any of the conditions of this lease, the Collector of the Lahore District may forthwith resume and take possession of the said lands as if this lease had never been granted.

PART IV.—RIGHTS AND POWERS OF THE LESSEES.

IT IS ALSO HEREBY AGREED between Government and the lessees.—

1. That the lessees are and shall be at full liberty to sink wells, make water-courses, plant trees, build houses, and otherwise improve the said lands and are and shall be solely entitled to all agricultural and spontaneous products not expressly excepted and reserved by this lease provided that, except with the sanction of the Local Government, they shall not construct a private canal for the irrigation of the said lands, or of any other land; and it shall be open to the Local Government either to withhold such sanction, or in granting it to impose such other special terms and conditions in respect of the construction and maintenance of a canal and of irrigation from a canal as it may determine.

2. That if the lease be determined under the provisions of Part III, clause 2 of this instrument, or if on the expiry of the lease the Government decides that it shall not be renewed, as the lands or part thereof are required for public purposes, the lessee shall be entitled to receive from the Government compensation for any improvements made by them in the said lands. Such compensation shall be assessed in the manner provided by the Punjab Tenancy Act for the payment of compensation shall be determined by the Collector of Lahore and the said lessees. In the event of their being unable to agree upon the same the matter shall be referred by the Collector to the Financial Commissioner, whose decision thereon shall be final and conclusive between the parties to this lease.

2 (a) That if, at the expiration of the term of the lease, a settlement of land revenue shall be in progress in the district of Lahore and the lessees shall continue in possession with the consent of Government, all the terms of this lease shall, in the absence of express agreement to the contrary, be deemed to continue in force until the conclusion of the settlement proceedings.

3. Unless the lands or part thereof be required for public purposes, the lessees shall, on the expiry of the aforesaid term, be entitled, subject to the other provisions herein contained, to a renewal of this lease for such term and on such conditions, subject to the provisions of Section 68 of the Punjab Tenancy Act, as to the amount of land revenue and rent or *malikana* and other charges to be paid by him as may then be determined by Government.

Thumb-impression of Mst. Talia,	Lessee No. 1
Thumb-impression of Mst. Umari,	" " 2
Thumb-impression of Amir,	" " 3
Thumb-impression of Shahaba,	" " 4
Thumb-impression of Fateh Din,	" " 5
Thumb-impression of Ditta,	" " 6
Thumb-impression of Mahtab,	" " 7
Thumb-impression of Gulab,	" " 8
Thumb-impression of Chiragh Dia,	" " 9
Thumb-impression of Kalu,	" " 10

Thumb-impression of Hamun,	Lessee No. 11
Thumb-impression of Amam Din,	" " 12
Thumb-impression of Ghulam Muhammad,	" " 13
Thumb-impression of Khuda Bakhsh,	" " 14
Thumb-impression of Shahab,	" " 15
Thumb-impression of Hira,	" " 16
Thumb-impression of Ghulam Nabi,	" " 17
Thumb-impression of Amam Din,	" " 18
Thumb-impression of Karim Bakhsh,	" " 19
Thumb-impression of Fattah Mohammad,	" " 20
Thumb-impression of Ghaus Mohammad,	" " 21
Signature of Kanshi Ram in Hindi Character,	" " 22
Signature in English of Shankar Das,	" " 23
Signature in Lande Character of Sarab Dayal,	" " 24

Interpretation.

In this instrument the term "lessees" means and includes the said lessees, their heirs, and their legal representatives and assigns.

The term "Government" means and includes every person duly authorized to act for or represent the Government of the Punjab in relation to any matter or thing contained in, or arising out of the lease.

In witness whereof the said parties have hereunto set their respective hands and seals the day and year first above written.

Signed, sealed and delivered by the Deputy Commissioner of Lahore acting under the orders of the Financial Commissioner, Punjab on behalf of the Secretary of State for India in Council.

Deputy Commissioner,
of Lahore.

Signed, sealed and delivered by the said lessees in the presence of:—

Witness (Sd.) Fazal Din, Zaildar of Ichhra in Urdu

Character.

Witness (Sd.) Umar Din, Lambardar of Ichhra in Urdu

Character.

Thumb-impression of Mst. Talia,	Lessee No. 1
Thumb-impression of Mst. Umari,	" " 2
Thumb-impression of Amir,	" " 3
Thumb-impression of Shahaba,	" " 4
Thumb-impression of Fateh Din,	" " 5
Thumb-impression of Ditta,	" " 6
Thumb-impression of Mahtab,	" " 7
Thumb-impression of Gulab,	" " 8
Thumb-impression of Chiragh Din,	" " 9
Thumb-impression of Kalu,	" " 10
Thumb-impression of Hamun,	" " 11
Thumb-impression of Amam Din,	" " 12
Thumb-impression of Ghulam Mohammad,	" " 13
Thumb-impression of Khuda Bux,	" " 14
Thumb-impression of Shahab,	" " 15
Thumb-impression of Hira,	" " 16
Thumb-impression of Ghulam Nabi,	" " 17
Thumb-impression of Amam Din,	" " 18
Thumb-impression of Karim Bakhsh,	" " 19
Thumb-impression of Fattah Mohammad,	" " 20
Thumb-impression of Ghaus Mohammad,	" " 21
Signature of Kanshi Ram in Hindi Character,	" " 22
Signature in English of Shankar Das,	" " 23
Signature in English of Sarab Dayal,	" " 24

[The Hon. Sir Miles Irving.]

SCHEDULE TO FORM A. PART I.

Description and boundaries of lands hereinbefore leased.

Seventy-eight (78) acres of land situated in four isolated blocks and bearing field Nos. 4, 11, 15, 49, 53 to 59, 61, 62, 67, 109, 111, 137, 148, 149, 152, 158, 175, 180, 187, to 195 in Mauza Bhabra formerly a part of Rakh Kot Lakhpat tahsil Lahore, district, Lahore.

Deputy Commissioner, Lahore.

Thumb-impression of Mst. Talia,	Lessee No. 1
Thumb-impression of Mst. Umari,	" " 2
Thumb-impression of Amir,	" " 3
Thumb-impression of Shahaba,	" " 4
Thumb-impression of Fateh Din,	" " 5
Thumb-impression of Ditta,	" " 6
Thumb-impression of Mahtab,	" " 7
Thumb-impression of Gulab,	" " 8
Thumb-impression of Chiragh Din,	" " 9
Thumb-impression of Kalu,	" " 10
Thumb-impression of Hamun,	" " 11
Thumb-impression of Amam Din,	" " 12
Thumb-impression of Ghulam Mohammad,	" " 13
Thumb-impression of Khuda Bux,	" " 14
Thumb-impression of Shahab,	" " 15
Thumb-impression of Hira,	" " 16
Thumb-impression of Ghulam Nabi,	" " 17
Thumb-impression of Amam Din,	" " 18
Thumb-impression of Karim Bakhsh,	" " 19
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Thumb-impression of Ghaus Mohammad,	" " 21
Signature of Kanshi Ram in Hindi Character,	" " 22
Signature in English of Shankar Dass,	" " 23
Signature in Lande Character of Sarab Dayal,	" " 24

ELECTIONS OF THE SENIOR AND JUNIOR VICE-PRESIDENTS OF LAHORE
DISTRICT BOARD.

***3389. Chaudhri Allah Dad Khan :** (i) Will the Honourable Minister for Local Self-Government please state whether elections of the Senior and Junior Vice-Presidents of Lahore District Board—

(a) were held in April, 1934 ;

(b) were due to be held some time in June, 1934 ;

(c) were held before they were due to be held ; if so, how much before time ?

(ii) If replies to the above be in the affirmative, will he kindly state reasons for holding the elections before time ?

(iii) Will he please state whether in view of the fact that elections of Senior and Junior Vice-Presidents of the Lahore District Board were held contrary to law, Government propose to declare the same null and void and direct the District Board to re-elect their Vice-Presidents ; if not, why not ?

The Honourable Dr. Gokul Chand Narang : (i) The Lahore District Board's rule, under clause (h) of section 26 of the Punjab District Boards Act, 1883 (read with section 19 (2)), is that a vice-chairman shall hold office for one year. It is understood in the Board that this period of one year is to coincide with the financial year. The election of vice-chairman for 1933-34 was delayed until June 1933 owing to the fact that a general

election had taken place in the early months of that year. (The results of the election and the consequential nominations were notified in May 1983). The election of vice-chairman for 1984-85 was held in April 1984 in the normal way.

(ii) The election was not held before time. In any case no petition was filed against the election.

(iii) Government does not consider any action necessary.

Chaudhri Allah Dad Khan : Can you quote any precedent in which election of vice-chairman was held before time, as it has been admitted it was held in this case ?

The Honourable Dr. Gokul Chand Narang : It is not admitted that this election was held before time.

Chaudhri Allah Dad Khan : Will you please quote precedent for holding this election before time ?

The Honourable Dr. Gokul Chand Narang : It is not admitted that the election was held before time.

Chaudhri Allah Dad Khan : When was the last election held ?

The Honourable Dr. Gokul Chand Narang : In June.

Chaudhri Allah Dad Khan : Therefore the election was due in June.

The Honourable Dr. Gokul Chand Narang : No. The honourable member missed the most material point in the answer and that was that by the word " year " the Board understood the financial year and not necessarily 12 months.

Chaudhri Allah Dad Khan : When did the Deputy Commissioner under whose charge the election was held leave the district ?

The Honourable Dr. Gokul Chand Narang : I do not know.

Chaudhri Allah Dad Khan : That was the only point.

Mr. President : The honourable member may refer to the *Punjab Government Gazette*.

The Honourable Dr. Gokul Chand Narang : The honourable member, I believe, is supplied with a copy of the *Gazette* and a free copy.

Mr. President : As the required information is available in the *Gazette* I disallow the honourable member's question.

* ELECTIONS OF THE SENIOR AND JUNIOR VICE-PRESIDENTS, LAHORE DISTRICT BOARD.

*3390. **Chaudhri Allah Dad Khan :** Will the Honourable Minister for Local Self-Government please state—

(a) the reason or reasons as to why the outgoing Chairman of the Lahore District Board accelerated the elections of the Senior and Junior Vice-Presidents held in April, 1984, of the Lahore District Board ;

(b) whether he had accelerated the elections (i) on his own behalf (ii) at the instance of the Ministry, (iii) at the instance of the higher executive authorities ;

[Ch. Allah Dad Khan.]

- (c) whether the bye-law according to which these elections can only be held at the expiration of a year from the date on which elections in the preceding year had been held was rescinded or modified by Government by any notification in the *Punjab Gazette*; if so, the number of the notification and the date on which it was published?

The Honourable Dr. Gokul Chand Narang: (a) A reference is invited to the reply given to part (i) of the honourable member's question no. 3389¹.

(b) No reference was made by the Chairman of the Board to any higher authority.

(c) The Lahore District Board rule on the subject has been quoted in replying to the honourable member's (starred question no. 3389¹). No special order was passed, or notification published, by the local Government in connection with this vice-chairman's election.

ALLOWANCES IN LAHORE MUNICIPAL COMMITTEE.

***3391. Chaudhri Allah Dad Khan:** Will the Honourable Minister for Local Self-Government please state the names and designations of the officers and servants of the Lahore Municipal Committee—

- (a) who were allowed allowances in addition to their salaries at the time of their appointment together with the quantum of the allowances;
- (b) whose allowances were subsequently raised to a higher figure along with the dates on which an increase in the allowance of a particular official was allowed;
- (c) who were allowed allowances subsequent to their appointments together with the date in each case on which these allowances were sanctioned?

The Honourable Dr. Gokul Chand Narang: It is regretted that it is not possible to supply the required information, unless the period is specified in respect of which the information is sought.

ALLOWANCES IN LAHORE MUNICIPAL COMMITTEE.

***3392. Chaudhri Allah Dad Khan:** (i) Will the Honourable Minister for Local Self-Government please state—

- (a) whether an allowance was allowed to Superintendent, Water Works, Lahore Municipal Committee, only a few months ago;
- (b) whether allowances were allowed to the two legal advisers of the Lahore Municipal Committee, about 2 or 3 months ago?

(ii) If the reply to the above be in the affirmative whether Government, in view of the unsatisfactory condition of the municipal finances, proposes to order the Lahore Municipal Committee to cancel these allowances?

The Honourable Dr. Gokul Chand Narang : (i) (a) The official's tonga allowance of Rs. 22-8-0 per mensem has lately been converted into a motor car allowance of Rs. 87-8-0 per mensem.

(b) Yes.

(ii) The matter is under examination by the Deputy Commissioner, from whom a report has been requisitioned by Government.

ALLOWANCES TO THE LEGAL ADVISERS OF THE LAHORE MUNICIPALITY.

***3393. Chaudhri Allah Dad Khan :** Will the Honourable Minister for Local Self-Government please state—

(a) whether any representations have been received by—

(1) the Executive Officer of the Lahore Municipality,

(2) the Deputy Commissioner of Lahore,

(3) the Commissioner of Lahore division, and

(4) the Secretary, Transferred Departments,

protesting against the sanction of allowances to the Legal Advisers of the Lahore Municipality?

(b) If the reply to the above be in the affirmative, whether Government have taken or propose to take any action in the matter?

The Honourable Dr. Gokul Chand Narang : (a) Representations have been received by Government, by the Deputy Commissioner, and presumably also by the Commissioner. It is understood that none has been received by the Executive Officer.

(b) The matter is under examination by the Deputy Commissioner, from whom a report has been requisitioned by Government.

ELECTIONS OF THE SENIOR AND JUNIOR VICE-PRESIDENTS, LAHORE DISTRICT BOARD.

***3394. Chaudhri Allah Dad Khan :** Will the Honourable Minister for Local Self-Government please state—

(a) whether the Chairman of the District Board, Lahore, had, at the time of election of the vice-presidents of the District Board, Lahore, at the very outset declared that as there were only two rival candidates votes would be taken not by ballot but by show of hands;

(b) whether this declaration of the Chairman was objected to by certain members and among others by the Honourable Rai Bahadur Ram Saran Das but the Chairman over-ruled the objections;

(c) whether as a result of this ruling one of the candidates for the junior vice-presidents withdrew from the contest;

(d) if the replies to the above be in the affirmative, whether the Government propose to take any action in the matter; if not, why not?

The Honourable Dr. Gokul Chand Narang : (a) and (c) A copy of the Board's resolution relating to the election (No. 2, dated the 6th April 1934) is laid on the table. The resolution describes the proceedings in detail.

(b) The record does not show this.

(d) No action is contemplated by Government.

District Board Resolution No. 2, dated 6th April 1934.

PROPOSAL.

Election of Vice-Chairmen.

DISTRICT BOARD ORDERS.

The names of the following two members only were proposed :—

(1) Khan Bahadur Sardar Habib Ullah Khan, M.L.C., proposed by Sardar Teja Singh of Chunian ; Seconded by Sardar Muhammad Akbar.

(2) Sardar Muhammad Hussain, proposed by Sardar Chanan Singh ; Seconded by Mian Muhammad Sharif.

No other names being proposed, the Chairman declared the two members named above to be duly elected to the two offices of Vice-Chairmen.

The question which of the above two Vice-Chairmen was to be declared as the senior and which as the junior was then taken up. The Chairman gave it as his ruling that this matter ought to be decided by show of hands, as contemplated in the proviso at the end of clause (c) of rule 56 (2) of the District Board Election Rules, 1933, and not by a secret ballot.

At the suggestion of certain members an adjournment for five minutes was then allowed by the Chairman, in order that the members might discuss among themselves whether a settlement by agreement could not be arranged.

When the meeting was resumed after this adjournment Sardar Muhammad Hussain proffered his resignation from the vice-chairmanship. This was accepted. The Chairman then ruled that Khan Bahadur Sardar Habib Ullah Khan must be deemed to have automatically become the Senior Vice-Chairman, in virtue of rule 57 of the District Board Election Rules, 1933.

The meeting then turned to the election of a junior vice-chairman, in the vacancy resulting from Sardar Muhammad Hussain's resignation. For this office one member only was proposed, as follows :—

Sardar Mangal Singh.

Proposed by the Honourable Rai Bahadur Lala Ram Saran Das, C.I.E.

Seconded by Mian Ata Ullah.

No other member being proposed for the vacant vice-chairmanship, Sardar Mangal Singh was declared to be duly elected.

CASES OF SUICIDE.

***3395. Shrimati Lekhwati Jain :** Will the Honourable Member for Finance please state—

(a) the total number of cases of suicide and attempted suicide during each of the last five years in the Punjab ;

(b) how many such cases were due to unemployment ?

The Honourable Mr. D. J. Boyd : (a) The total number of recorded cases is—

1929	..	..	..	..	..	114
1930	..	..	..	..	..	121
1931	..	..	..	..	..	126
1932	..	..	..	..	..	136
1933	..	..	..	..	..	128

(b) No information is available.

DECRETAL DEBT.

***3396. Shrimati Lekhwati Jain :** Will the Honourable Member for Finance please state—

- (a) the total amounts of decretal debt standing at the end of each year from 1921 to 1933 in each district ;
- (b) the total amounts of payments of decretal money certified in courts each year since 1921 in each district in the province ?

The Honourable Mr. D. J. Boyd : I regret that the information is not readily available and that its collection would entail an expenditure of time and money out of all proportion to the value of the information likely to be obtained.

INSOLVENTS.

***3397. Shrimati Lekhwati Jain :** Will the Honourable Member for Finance please state—

- (a) the total number of insolvents adjudicated in each district since 1921 in the Punjab each year ;
- (b) the total amount of liabilities of such insolvents ;
- (c) the total value of the assets of such insolvents which came into the possession of receivers and were distributed amongst creditors ?

The Honourable Mr. D. J. Boyd : (a) The information is being collected and will be supplied to the honourable member when available.

(b) and (c) This information is not readily available. The collection of these statistics would involve an expenditure of time and labour incommensurate with the public advantage to be gained.

SEPARATE OR JOINT ELECTORATES IN THE MUNICIPALITIES.

***3398. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state the factors, if any, which led the Government to adopt separate or joint electorates in the municipalities in the province ?

The Honourable Dr. Gokul Chand Narang : A reference is invited to *Punjab Gazette* notification No. 2671-S., dated the 15th August 1928, under which a Note on the Reconstitution of the Municipal Committees and District Boards of the Punjab was published for general information. Paragraphs 2 and 5 of the Note deal particularly with the question of communal electorates raised by the honourable member.

HAISIYAT OR PROFESSIONAL TAX.

***3399. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) which of the district boards in the province have levied *haisiyat* or professional tax ;
- (b) the proportion or percentage such tax bears to the total revenues of the district boards in each district ;

[Shrimati Lekhwati Jain.]

- (c) the amount of such tax realized by each district board during the last 5 years ;
- (d) whether it is a fact that the assesseees of such tax are generally non-agriculturists and the assessors and collectors of such tax are agriculturists ;
- (e) whether Government and the Honourable Minister have received any complaints of the high-handedness and oppression by the agriculturists, tax collectors and assessors and as to arbitrary assessment and illegal exactions, if so, in how many cases in each district ;
- (f) if so, whether Government has made any enquiry into the veracity of such allegations, if so, with what result ?

The Honourable Dr. Gokul Chand Narang : (a) Fifteen district boards in the province have imposed *haisiyat* tax, and 11 profession tax, as under—

Haisiyat-tax.

1. District Board, Hissar.
2. District Board, Gurgaon.
3. District Board, Karnal.
4. District Board, Ambala.
5. District Board, Amritsar.
6. District Board, Gurdaspur.
7. District Board, Sialkot.
8. District Board, Gujranwala.
9. District Board, Gujrat.
10. District Board, Shahpur.
11. District Board, Attock.
12. District Board, Mianwali.
13. District Board, Montgomery.
14. District Board, Jhang.
15. District Board, Dera Ghazi Khan.

Profession-tax.

1. District Board, Rohtak.
2. District Board, Kangra.
3. District Board, Hoshiarpur.
4. District Board, Jullunder.
5. District Board, Ludhiana.
6. District Board, Ferozepore.
7. District Board, Lahore.
8. District Board, Sheikhupura.
9. District Board, Jhelum.
10. District Board, Multan.
11. District Board, Muzaffargarh.

(b) Columns 17 and 283 of Form II appended to the Reports on the Working of the District Boards in the Punjab, for the years 1930-31, 1931-32 and 1932-33, respectively, show the income from these taxes and the total income of the boards concerned.

(c) A reference is invited to the amounts shown in column 17 of Form II appended to the Annual Reports on the Working of District Boards in the Punjab for the years 1928-29 to 1932-33.

(d) Yes, but agriculturists enjoying an income apart from that which they derive from their land or their live-stock are liable to pay these taxes equally with non-agriculturists. It is correct that these taxes are assessed and collected generally by agriculturists but not exclusively by them.

(e) Government has received a number of complaints regarding the assessment and collection of these taxes, mainly from the Gujrat and Karnal districts. The honourable member will doubtless have read, in this connection, the press *communiqué* issued by the Ministry in May 1932.

(f) Government has been in consultation with local officers regarding the rectification of inequalities in the assessment of these taxes and the improvement of the arrangements for their collection: and hopes shortly to issue a set of rules for the guidance of district boards in these respects.

FRONTIER CRIME REGULATIONS COMMITTEE REPORT.

***3400. Chaudhri Afzal Haq :** With reference to my question No. 2898¹ (starred), dated the 2nd March 1984, will the Honourable Member for Finance please lay on the table Government views on the Frontier Crime Regulations Committee Report communicated to Government of India ?

The Honourable Mr. D. J. Boyd : The correspondence is of a confidential nature and it is not in the public interest to lay it on the table.

CENSUS OF THE UNEMPLOYED.

***3401. Chaudhri Afzal Haq :** With reference to my question No. 2952² (starred), dated the 6th March 1984, will the Honourable Member for Revenue be pleased to state—

- (a) whether it has ever been brought to the notice of the Government that in all civilised countries at least yearly census of the unemployed is taken ;
- (b) whether the Government is aware of the general impression that the Government do not take census of the unemployed because they feel no responsibility towards the people ?

The Honourable Sir Miles Irving : (a) and (b) No.

Mr. M. A. Ghani : Is it a fact or not that in England census of the unemployed is taken every year ?

The Honourable Sir Miles Irving : I ask notice of that question.

Mr. M. A. Ghani : Does not the Honourable Revenue Member come from England ?

Chaudhri Afzal Haq : Why is not the census taken ?

The Honourable Sir Miles Irving : I must ask for notice of this question. If the honourable member is suggesting a course of action I am not at present prepared to say whether circumstances require it. He asked a definite question and I have given him a definite answer. If he will give notice of that question I will try to answer him.

WOMEN TEACHERS.

***3402. Chaudhri Afzal Haq :** With reference to my question No. 2947³ (starred), dated the 6th March 1984, will the Honourable Minister for Education be pleased to state—

- (a) whether the Government advertised the posts of women teachers in any paper ;
- (b) how many times in the years 1982 and 1983 the Government advertised the posts in Muslim papers ;
- (c) the number of Muslim women teachers that applied for the posts ?

¹Volume XXIV, page 413.

²Volume XXIV, page 530.

³Volume XXIV, pages 528-29.

The Honourable Malik Sir Firoz Khan Noon : (a), (b) and (c) Two posts in the Punjab Educational Service (Women's Branch) were advertised in the year 1932 in the *Pioneer*, *Statesman* and the *Civil and Military Gazette*. Two Muslim ladies applied for the posts. In the year 1933 one post in the Punjab Education Service (Women's Branch) was advertised in the *Statesman*, *Civil and Military Gazette* and the *Tribune*. No Muslim lady applied, but one Muslim lady was considered for the post. In the same year a post of vernacular teacher was advertised in the *Civil and Military Gazette*, *Tribune*, *Statesman* and *The Eastern Times*. Only two applications were received and both of them were from Muslim ladies. Another post of Hindi and Sanskrit teacher was advertised in 1933 in the *Milap*, *Tribune* and the *Civil and Military Gazette*. No applications were submitted for this post.

PUNITIVE POLICE POST IN CHAK NO. 174, MUHAMMAD PURA.

***3403. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that a punitive police post has been stationed in Chak No. 174, Muhammad Pura, tahsil and district Sheikhpura in the month of November 1933 ;
- (b) whether it is a fact that the amount of Rs. 1,900 was ordered to be recovered from the whole village ;
- (c) whether it is a fact that all village inhabitants have been exempted from payment except four families of 25 souls ;
- (d) whether it is a fact that no one out of these 25 persons was ever convicted of any offence ;
- (e) whether it is a fact that even in party factions, Honourable Mr. Justice Coldstream upheld the conviction of the leader of the party which is now exempted ;
- (f) whether it is a fact that Honourable Mr. Justice Coldstream even remarked that the party which is now exempted, was the aggressor ;
- (g) whether it is a fact that the Sessions Judge, Lyallpur, in his recent judgment quashed the proceedings taken under section 107, Criminal Procedure Code, against the party which is now made to pay the cost of police post ;
- (h) whether it is a fact that two magistrates honourably acquitted some of the persons (who are now to pay the cost of punitive police) from the charges under section 353, Indian Penal Code ;
- (i) if so, what led to the imposition of heavy fine by way of cost of punitive police post on the families which were always oppressed ;
- (j) whether he proposes to make personal enquiries into the case, so that influential people may not go scot free and poor be grinded ?

The Honourable Mr. D. J. Boyd : (a) It was located there for six months with effect from the 1st December 1933.

(b) The exact amount was Rs. 1,878-12-8.

(c) No. Only 29 persons and the village *kamins* were exempt, and the recovery has been made from 70 persons.

(d), (e) and (f) In the absence of particulars of the individuals and of the case referred to, I regret that the information cannot be supplied.

(g) Yes. I have not seen the judgment, but I understand that the District Magistrate's judgment was set aside on a technical point and that the Sessions Judge was of opinion that the case should have been brought under section 145, Criminal Procedure Code.

(h) The first Magistrate discharged them and on revision the second Magistrate acquitted them.

(i) The post was located there owing to a fear of a breach of the peace on the part of those who have had to bear the cost of it.

(j) The necessity for the post and the incidence of its cost were fully considered before it was sanctioned.

Mian Nurullah : Will the Honourable Member give the reasons for the imposition of the punitive police ?

The Honourable Mr. D. J. Boyd : I am afraid I must have notice, I know very little about the case.

Mr. Muhammad Din Malak : With reference to reply to part (c) I would like to know whether any of the men exempted from the levy of the charge were those who had been convicted by courts and whose conviction had not been quashed by the High Court and were yet exempted from the charge ?

The Honourable Mr. D. J. Boyd : I have not got the information with me.

Mian Nurullah : I would like to know the reasons for the exemption of certain members of the same community in a village ?

The Honourable Mr. D. J. Boyd : May I have notice.

Mr. M. A. Ghani : May I know the reasons why the members of a particular family were ordered to pay the punitive police tax ?

The Honourable Mr. D. J. Boyd : Once more I must ask for notice.

Mr. Muhammad Din Malak : With reference to the answer to part (h) of the question, will the Honourable Member please state why those people who had been honourably acquitted were charged ?

The Honourable Mr. D. J. Boyd : If the honourable member gives notice I would be glad to answer this question.

Mr. Muhammad Din Malak : The question is plain and should have been answered.

The Honourable Mr. D. J. Boyd : In my anxiety to answer these questions as soon as they were put, I had to give these answers without studying the cases very thoroughly.

Mian Nurullah : What were the technical grounds mentioned ?

The Honourable Mr. D. J. Boyd : May I have notice please.

Mr. M. A. Ghani : Will the Honourable Finance Member please give the policy of the Government by which the members of a particular community are made to pay the punitive police tax ?

The Honourable Mr. D. J. Boyd : There is no general policy in the question, each individual case is decided on its own merits.

Mr. M. A. Ghani : Is it or is it not a fact that only the aggressors are made to pay the punitive police tax ?

The Honourable Mr. D. J. Boyd : No, this is not a fact.

Mr. M. A. Ghani : Are innocent people made to pay ?

The Honourable Mr. D. J. Boyd : I have already said that in these matters there is no general policy which governs them, each case is decided on its own merits. I cannot say more.

NUR MUHAMMAD, LAMBARDAR OF CHAK NO. 174, VILLAGE MUHAMMAD-PURA.

***3404. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that Nur Muhammad, Lambardar of Chak No. 174, village Muhammadpura, tahsil and district Sheikhpura, was given land in exchange ;
- (b) whether it is a fact that the newly acquired land is on outlet No. 2400, while the other land of the said Nur Muhammad is on outlet No. 2500.
- (c) whether it is a fact that since the allotment of land to Nur Muhammad on outlet No. 2400, trouble arose and there have been 60 criminal cases in the village ;
- (d) whether it is a fact that before 1900 when there was only one outlet, the party feeling was at its height and there were many criminal cases in the village ;
- (e) whether it is a fact that in 1900 authorities realised the position and the parties also gave consent to separate the outlet and the clash of the two parties came to an end ;
- (f) if so, why Nur Muhammad has been given land on outlet No. 2400, against the will of the other party in the year 1928 ;
- (g) whether it is a fact that Mr. W. C. Bradford, I.C.S., Collector, Sheikhpura, passed an order against this exchange on 23rd January 1929 ;
- (h) whether it is a fact that the officer mentioned above pointed out in his order that the general colony rule is that a *charagh* near a village should not be allotted ;
- (i) whether it is a fact that this officer had seen the spot and in his order made out that this exchange of land by Nur Muhammad, Lambardar of Chak No. 174, tahsil Sheikhpura, was made under a misapprehension ;
- (j) whether it is proposed that any senior officer may see the spot and then pass orders ?

The Honourable Sir Miles Irving : (a) Yes.

(b) No. There are three outlets for the village, namely, Nos. 24,000, 25,000 and 34,000. Nur Muhammad, Lambardar, held land on all the three outlets before the exchange of the land in dispute was sanctioned.

(c) Since 1928 when the exchange was sanctioned there have been only 14 criminal cases in the village.

(d) and (e) Government has no information.

(f) Does not arise.

(g), (h) and (i) Yes.

(j) Mr. Bradford's order was set aside on appeal by the Commissioner. Mr. Bradford's successor enquired into the case thoroughly again and found it unnecessary to have the exchange cancelled. Since then the case has been carefully considered by the Commissioner and Government, and Government does not propose now to interfere.

Mian Nurullah : Was the exchange mentioned in (a) against rules ?

The Honourable Sir Miles Irving : I must ask for notice of this question.

Mian Nurullah : This point is clearly mentioned in part (a).

The Honourable Sir Miles Irving : It was against the rules, to be exact against the general practice and not against any rule having the force of law.

Mr. M. A. Ghani : Do the Government intend to take any action to rectify the mistake ?

The Honourable Sir Miles Irving : The answer to it is given that the Government have carefully considered the question and do not propose now to interfere.

Mr. Muhammad Din Malak : With reference to part (i) is it not a fact that as Deputy Commissioner Mr. Bradford as the result of an enquiry had found that the land allotted to Nur Muhammad on this particular outlet was due to a misapprehension ? If so, what led to this misapprehension and what steps does Government propose to take to set this matter right ?

The Honourable Sir Miles Irving : The Government does not propose to take any steps.

Mr. Muhammad Din Malak : May I know the reasons why ?

The Honourable Sir Miles Irving : I have already explained that the case has been carefully considered by the Commissioner and by Government and Government does not propose now to interfere.

Mr. Muhammad Din Malak : With regard to the reply given to part (e) is it not a fact that the authorities asked to investigate the matter had come to the conclusion that the outlets of these two parties should be separated, and that from 1900 to 1928 under this arrangement there was no trouble, and that the Government was not most ill advised in having reverted to the same conditions by awarding land to Nur Muhammad on the same outlet ?

Mr. President : The honourable member is making a speech. He is not putting a question.

Mr. Muhammad Din Malak : I am going to finish it. Is it not a fact that this particular action on the part of Government was a signal for a fresh outbreak of hostilities? Was it good policy on the part of Government to have done this?

The Honourable Sir Miles Irving : What is the question actually asked?

Mr. Muhammad Din Malak : In 1900 as a result of the enquiry held by Government, Government had come to the conclusion that these two rival parties should not have lands on the same outlet.

The Honourable Sir Miles Irving : The question is so long that I would like to have it put in bits. As regards 1900 Government have no record of what happened on that occasion.

Mr. Muhammad Din Malak : Will the honourable member find out what happened and also if there is any record and was it not the duty of the present Deputy Commissioner to have supplied full information?

The Honourable Sir Miles Irving : No. 1900 is a long time ago.

Mr. M. A. Ghani : Is it a fact that the Government were prepared to cancel the order of exchange provided Nur Muhammad was given land from the lands of———?

The Honourable Sir Miles Irving : I cannot say what happened in the course of the proceedings. What I have said is that Government has considered the case very carefully and has come to a final decision which it is not prepared to alter. It has done its best to come to the best decision possible.

Mr. Muhammad Din Malak : You, as Financial Commissioner yourself had in deciding this case held that you would not be prepared to pass an order on appeals for revision but if one of the rival parties will petition, then you would be prepared to consider it.

The Honourable Sir Miles Irving : I have not the faintest recollection.

Chaudhri Afzal Haq : When a question is put the honourable member who has to reply should come fully prepared with the case. Otherwise what is the use of putting a supplementary question?

APPLICATION OF PUNJAB LOCAL OPTION ACT TO THE TOWN OF SADHAURA.

***3405. Shrimati Lekhwati Jain :** Will the Honourable Minister for Agriculture please state—

- (a) whether it is a fact that a resolution to the effect that the Punjab Local Option Act be applied in the town of Sadhaura, district Ambala, was passed by the Municipal Committee, Sadhaura, in 1930;
- (b) whether this resolution was duly forwarded to the Deputy Commissioner, Ambala;
- (c) what action the Deputy Commissioner, Ambala, took to make the voters express their will in the matter as required by the Act;
- (d) if no action has been taken what are the reasons for that;

- (e) whether the Government intends to take any action in pursuance of that resolution according to the said Act ?

The Honourable Sardar Sir Jogendra Singh : (a) and (b) Yes. The honourable member is referred to Punjab Government notification No. 2687-S. R., dated the 26th May 1928, published on page 453 of *Punjab Gazette*, dated 1st June, 1928, by which it was declared that the Municipal Committee of Sadhaura was empowered to exercise the powers conferred upon it by sections 4, 5 and 8 of the Punjab Local Option Act.

(c) The question is being referred to the registered electors of the Municipal Committee, Sadhaura, and the referendum prescribed by the proviso to section 5 of the Act will be held in July 1934.

(d) and (e) Do not arise.

PUNJAB LOCAL OPTION ACT.

***3406. Shrimati Lekhwati Jain :** Will the Honourable Minister for Agriculture please state—

- (a) to which of the localities in the Punjab, the Punjab Local Option Act is applicable ;
- (b) the names of such local bodies which have passed the resolution that the Local Option Act be made applicable within their respective areas but where no action has been taken so far ?

The Honourable Sardar Sir Jogendra Singh : (a) The Local Option Act applies to the whole Punjab. A list of the local bodies, that have been specially empowered under sections 4, 5 and 8 of the Act, is laid on the table.

(b) Under section 3 of the Act all local bodies, which apply to be empowered under sections 4, 5 and 8, have to be notified as empowered local bodies. Wherever such applications have been made, the local bodies in question have always been so notified.

A list of local bodies specially empowered under Sections 4, 5 and 8 of the Local Option Act.

<i>District.</i>	<i>Name of the Local Body.</i>
Hissar	1. Municipal Committee, Hissar.
	2. Municipal Committee, Sirsa.
	3. Municipal Committee, Bhiwani.
	4. Small Town Committee, Tohana.
	5. Small Town Committee, Mandi Kalanwali.
	6. District Board, Hissar.
Rohtak	7. District Board, Rohtak.
	8. Municipal Committee, Rohtak.
Ambala	9. District Board, Ambala.
	10. Municipal Committee, Ambala.
	11. Municipal Committee, Sadhaura.
	12. Municipal Committee, Jagadhri.
Hoshiarpur	13. Municipal Committee, Hoshiarpur.
Ludhiana	14. Municipal Committee, Ludhiana.
Ferozepore	15. Municipal Committee, Ferozepore.
	16. Municipal Committee, Moga.
	17. Municipal Committee, Fazilka.
Lahore	18. Municipal Committee, Lahore.
	19. Municipal Committee, Kasur.
	20. Municipal Committee, Patti.

[The Hon. Sardar Sir Jogendra Singh.]

Gurdaspur ..	..	21. Municipal Committee, Batala.
Amritsar ..	..	22. Municipal Committee, Amritsar.
		23. Small Town Committee, Tarn Taran.
		24. District Board, Amritsar.
Sialkot ..	..	25. Municipal Committee, Sialkot.
Gujrat ..	..	26. Municipal Committee, Gujrat.
Shahpur ..	..	27. Municipal Committee, Shahpur.
		28. Municipal Committee, Khushab.
		29. Municipal Committee, Miani.
		30. District Board, Shahpur.
Jhelum ..	..	31. Municipal Committee, Jhelum.
Rawalpindi ..	..	32. Municipal Committee, Rawalpindi.
Montgomery ..	..	33. Municipal Committee, Montgomery.
		34. District Board, Montgomery.
Lyallpur ..	..	35. Municipal Committee, Lyallpur.
Jhang ..	..	36. Municipal Committee, Jhang.
Multan ..	..	37. Municipal Committee, Multan.
		38. District Board, Multan.

HEADMASTERS AND SECOND MASTERS IN GOVERNMENT HIGH SCHOOLS.

***3407. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that in some of Government High Schools in this province, there are headmasters who are junior to their second masters in point of pay, experience and seniority ;
- (b) if so, the names of such institutions and also the names of the headmasters with their senior second masters under them, stating their academic and departmental qualifications and the grade promotions given to such headmasters ;
- (c) whether Government proposes to remove this anomaly ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) It may be added that in the cases to which this question refers no grade promotion was given to the men appointed as headmasters. The honourable member apparently fails to realize that independent charge of an institution is entrusted to officers who give proof of initiative and ability to command and control. A number of quite good teachers with high academic qualifications and long experience do not possess these qualifications but deserve and achieve ordinary grade promotion. If the honourable member insists the statement that she requires can be laid on the table but the reasons in each case for the supersession of the individual will have to be given. This will be greatly to the detriment of the reputation of the officers named and I hope that the honourable member will not press for this information, in the interests of persons whose welfare she has at heart.

(c) The answer to this is covered by the answer to (b) above.

MALE DOCTORS IN GIRLS' INSTITUTIONS.

***3408. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state whether it is a fact that male doctors attend and examine the females in the girls' institutions ; if so, will the Director of Public Instruction, Punjab, kindly state why the male doctors are allowed to examine them against the sentiments of the public and the female purdah system ?

The Honourable Malik Sir Firoz Khan Noon : Enquiries are being made and the information will be supplied to the honourable member when ready.

JOURNALS AND NEWSPAPERS PUBLISHED IN THE PUNJAB.

***3409. Shrimati Lekhwati Jain :** Will the Honourable Member for Finance please state—

- (a) the names of all the journals and newspapers published in the Punjab ;
- (b) the names of their editors and printers ;
- (c) the total publication of each ?

The Honourable Mr. D. J. Boyd : There are no less than 597 such newspapers and periodicals known to the Punjab Government and the expense of setting out the information requested appears to Government to be incommensurate with any value which can be extracted from the list. If, however, details are required regarding any particular paper, I shall be happy to furnish them.

AGGARWALS IN POLICE SERVICE.

***3410. Shrimati Lekhwati Jain :** Will the Honourable Member for Finance please state the number of Government servants in the Police service of different ranks belonging to the Aggarwal community in the Punjab.

The Honourable Mr. D. J. Boyd : The information asked for is not readily available and its collection from all the districts of the province will entail an amount of correspondence and labour which will not be commensurate with the results achieved.

ENFRANCHISING WOMEN IN MUNICIPALITIES.

***3411. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state which of the municipalities in the Punjab have passed resolutions enfranchising women and which have turned down such a proposal?

The Honourable Dr. Gokul Chand Narang : The municipal committees of Ludhiana, Ferozepore and Karnal have passed resolutions under the proviso to clause (a) of rule 6 of the Municipal Election Rules, 1930, extending the franchise to women. No other municipal committee has passed such a resolution, while the municipal committees of Raikot and Jhang have positively resolved against the extension of the franchise to women. This reply does not cover the Jullundur district, in respect of which information has not been received in time to be included herein.

Mr. E. Mayadas : May I ask why Ludhiana is mentioned before Ferozepore ?

The Honourable Dr. Gokul Chand Narang : The opinion might have come earlier from Ludhiana. That is the only reason I can guess. If there is any question of dignity involved we can revise the order.

Mr. E. Mayadas : As a matter of fact Ferozepore was the first to pass the resolution.

The Honourable Dr. Gokul Chand Narang : Is that so? The answer should then read "The municipal committees of Ferozepore, Ludhiana and Karnal."

MAGISTRATES IN AMBALA CITY.

***3412. Shrimati Lekhwati Jain :** Will the Honourable Member for Finance please state—

- (a) the number of stipendiary and honorary first class and I. C. S. magistrates in Ambala city on 1st May 1934, and the number of cases disposed of by each of them ;
- (b) the minimum number expected to be disposed of by each of them ;
- (c) the court hours of duty of such magistrates ;
- (d) how many private complaints have been filed in the court of such magistrates, and how many such complaints have been dismissed by each of them under Section 203 and how many were sent for disposal to other magistrates and for enquiry under Section 202 and in how many cases process was issued against the accused ?

The Honourable Mr. D. J. Boyd : (a) A statement is laid on the table.

(b) No minimum number has been fixed.

(c) The court hours are 10 A. M. to 4-30 P. M. with an interval for lunch from 1-30 P. M. to 2 P. M.

(d) A statement is laid on the table.

Statement (a)

Serial No.	Court.	Number of cases decided from 1st January to 30th April, 1934.	Number of cases pending on 1st May 1934.
1	2	3	4
1	District Magistrate	91 including appeals and revisions.	9 including section 30 cases.
2	First Assistant	509 including summary cases.	13 including section 30 cases.
3	General Assistant	59	23 including section 30 cases.
4	Honorary Magistrate, 1st class ..	31	4
5	Revenue Assistant	1	1
6	Assistant Commissioner under Judicial training.	9	6
7	Assistant Commissioner (Magistrate 3rd class).	29	10

Statement (d).

Designation of Court.	Number of private complaints filed.	Number of private complaints dismissed under section 203.	Number of private complaints sent to other magistrates for disposal.	Number of private complaints sent for enquiry under section 202.	Number of complaints in which process was issued against the accused.
District Magistrate ..	1	1	..	1	..
Revenue Assistant ..	1	..	..	..	1
Assistant Commissioner, (Magistrate, 3rd class).	45	15	..	..	30
1st Assistant ..	7	3	..	..	4
General Assistant ..	22	18	..	..	4
Assistant Commissioner under Judicial training.	16	5	5	..	6
Honorary Magistrate, 1st class ..	4	1	..	..	3

TREASURY OFFICER, AMBALA.

***3413. Shrimati Lekhwati Jain :** Will the Honourable Member for Local Self-Government please state—

- whether it is a fact that the present Treasury Officer, Ambala, is in the habit of refusing the registration of documents which are presented to him for registration with the remark that he has made it a point not to register any document ;
- whether it is a fact that he has not registered even a single document during the last month even though many were presented to him ;
- what action Government proposes to take against the said gentleman ?

The Honourable Dr. Gokul Chand Narang : (a) No. The powers of the Treasury Officer, Ambala, in respect of registration work are powers conferred on him under section 11 of the Indian Registration Act, 1908 that is, he can function only during the absence of the Registrar (the Deputy Commissioner) from headquarters on tour in the district.

(b) No.

(c) Does not arise.

HINDI AND SANSKRIT CLASSES IN GOVERNMENT HIGH SCHOOL,
BHAKKAR.

***3414. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- whether it is a fact that Hindi and Sanskrit classes have been discontinued in the Government High School, Bhakkar, since 26th February 1984 ;

[Shrimati Lekhwati Jain.]

- (b) if so, the reasons which led the authorities to take this drastic step ;
- (c) the number of Hindi and Sanskrit students in each class on the 1st March during the last 5 years in the above school ;
- (d) whether it is a fact that the Headmaster and one Maulvi Allah Dad have been constantly persuading the students of the school to give up Sanskrit and Hindi and take up Persian ;
- (e) whether it is a fact that the above referred to Maulvi Allah Dad of the Government High School, Bhakkar, beat one student on this very account and complaints were addressed against him to the Headmaster and the Inspector of Schools, and whether any action has been taken against the man ; if not, why not ;
- (f) when did the present Headmaster of the above school assume charge of the above school and how many Hindu teachers have been replaced by Muhammadans since then ;
- (g) whether there is any Sanskrit and Hindi teacher employed in the above school at present and what are his duties ; whether the same teacher has made any statement to the Headmaster or the Inspector ; if so, whether a copy of that statement will be laid on the table of the House ;
- (h) whether any officer of the Government and Education Department has issued any circular that Hindi and Sanskrit should be discouraged in the Government Schools ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected and will be communicated to the honourable member when ready.

 BYE-LAWS FRAMED BY MUNICIPAL COMMITTEE OF JAGRAON.

***3415. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether there is any difference between the bye-laws made by the Municipal Committee, Jagraon, in the Ludhiana district, confirmed by Government with Punjab Government notifications nos. 20460 and 35109, dated the 2nd September 1924 and 5th October 1929, respectively, and those made by the Municipal Committee, Sialkot, and confirmed by Punjab Government with notifications nos. 6391 of the 29th February 1924 and 35109 of 5th November 1929 ;
- (b) whether the bye-laws framed by the Municipal Committee of Jagraon were cancelled by Government with Punjab Government notification No. 70 of the 2nd January 1934, as the bye-laws were considered *ultra vires* of section 197 (e) of the Punjab Municipal Act ;
- (c) whether the bye-laws of the Sialkot Municipal Committee quoted in (a) above are *intra vires* of section 197 of the Punjab Municipal Act ?

The Honourable Dr. Gokul Chand Narang : (a) There are certain differences between the two sets of bye-laws.

(b) The bye-laws framed by the Municipal Committee of Jagraon were cancelled, not because they were *ultra vires*, but at the request of the Jagraon committee, which did not desire to enforce them.

(c) Yes.

BYE-LAWS FRAMED BY THE MUNICIPAL COMMITTEE, SIALKOT.

***3416. Maulvi Mazhar Ali Azhar :** (a) Will the Honourable Minister for Local Self-Government kindly lay on the table a copy of the bye-laws framed by the Municipal Committee, Sialkot, under section 197 (e) of the Punjab Municipal Act ;

(b) if there are any bye-laws for the grant or withdrawal of licenses or for charging license fees, will he be pleased to state how the bye-laws under section 197 (a) are to operate ?

The Honourable Dr. Gokul Chand Narang : (a) There are no bye-laws under section 197 (e).

(b) The committee is being asked to frame such bye-laws.

SHOPS LEASED BY THE MUNICIPAL COMMITTEE, SIALKOT.

***3417. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Local Self-Government be pleased to state the market value of the shops leased by the Municipal Committee, Sialkot, to *aharatis* for the sale of vegetables and fruits, and the amount of lease money recovered by the municipal committee during each of the last four financial years ?

The Honourable Dr. Gokul Chand Narang : The meaning of the term "market value" as here used is not understood. The amount of lease money recovered by the committee during each of the last four financial years is as follows :—

Year.	Lease money (Vegetables).	(Fruits).	Total.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
1930-31	1,409 0 0	691 0 0	2,100 0 0
1931-32	600 0 0	696 0 0	1,296 0 0
1932-33	450 0 0	696 0 0	1,146 0 0
1933-34	2,300 0 0	1,065 13 10	3,365 13 10

LICENSING OF PREMISES IN SIALKOT MUNICIPALITY.

***3418. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether Chaudhri Allah Dit, Muhammad Khan, Muhammad Din, Muhammad Husan, Umar Din, Hari Ram and Muhammad Bashir and some others applied to the Municipal Committee, Sialkot, for licensing of their premises under the bye-laws confirmed by Government with their notifications Nos. 6391, dated the 29th February 1924 and No. 85109, dated the 5th November 1929 for sale of vegetables ;
- (b) whether the applications have been sanctioned by the committee ;
- (c) if the answer to (a) be in the affirmative and to (b) in the negative, what steps he proposes to take to get the premises licensed in order that the trade in vegetables may not suffer ?

The Honourable Dr. Gokul Chand Narang : The required information is being collected and will be communicated to the honourable member when ready.

FEE CONCESSIONS IN GOVERNMENT SCHOOLS.

***3419. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the children of Punjab Educational Service members of the Education Department enjoy certain concessions in recognised schools if those members of the Punjab Educational Service die in harness ;
- (b) if so, whether Government proposes to extend the same amenities to Subordinate Educational Service men ?

The Honourable Malik Sir Firoz Khan Noon : (a) No. Certain scholarships have, however, been provided for the children of the officers of all provincial services who die in service leaving their families destitute.

(b) Financial considerations prevent Government from considering this suggestion.

PRINCIPALS OF GOVERNMENT COLLEGES AND RENT FREE RESIDENTIAL QUARTERS.

***3420. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that principals of Government colleges are provided with rent free residential quarters or are paid rent at the rate of 10 per cent. of their salary, while such administrative officers as deputy commissioners, district and sessions judges, inspectors of schools, etc., do not enjoy this privilege ;
- (b) if the answer to the above be in the affirmative, why this special concession has been extended to those gentlemen ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) The honourable member is referred to rule 4·81, section 4, chapter IV of the Punjab Financial Handbook No. 2.

MILITARY AND NON-MILITARY TRIBES IN THE PUNJAB.

***3421. Shrimati Lekhwati Jain :** Will the Honourable Member for Revenue be pleased to state approximately the number of people communitywise (Hindus, Muslims and Sikhs) divided in the Punjab under military and non-military tribes, statutory agriculturists and statutory non-agriculturists according to the last census ?

The Honourable Sir Miles Irving : Government have no information with regard to the last census beyond what is contained in the Census of India Report, 1931, Volume XVII (Punjab) to which the honourable member is referred. A copy of this report is available in the Council Library.

COMMITTEE TO OVERHAUL PRIMARY EDUCATION.

***3422. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education be pleased to state—

- (a) whether any committee was set up by the Government to overhaul primary education ;
- (b) if so, when and what has been the result of its deliberations ?

The Honourable Malik Sir Firoz Khan Noon : (a) If the honourable member is referring to the committee appointed to revise the school curriculum, the answer is 'yes'.

(b) The committee has finished its deliberations and its recommendations will be considered by Government as soon as they are received.

DEPRESSED CLASSES MEMBERS IN MUNICIPAL AND DISTRICT BOARDS.

***3423. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government be pleased to state the names of municipalities and district boards in the Punjab having nominated or elected members from amongst the depressed classes ?

The Honourable Dr. Gokul Chand Narang : The information is being collected and will be communicated to the honourable member when ready.

PAYMENTS OF TRAVELLING EXPENSES AND DIET MONEY BY CRIMINAL COURTS.

***3424. Shrimati Lekhwati Jain :** Will the Honourable Member for Finance please state—

- (a) whether it is a fact that the criminal courts of the Punjab do not arrange to make payments of travelling expenses and diet money on the very day of hearing to the witness whom they call for evidence, particularly when the magistrates are on tour ;
- (b) if so, whether complaints have been received by Government to the effect that such witnesses are put to great inconvenience, and in many cases they never realise their dues ;
- (c) if so, what Government proposes to do to remove the complaint ?

The Honourable Mr. D. J. Boyd : (a) Instructions have been issued that every endeavour should be made to avoid delay in the payment of travelling expenses and diet money to witnesses. Government have no reason to suppose that these instructions are not observed.

(b) No.

(c) Does not arise.

REPRESENTATION OF MUSLIMS IN CAMPBELLPUR MUNICIPAL COMMITTEE.

***3425. Maulvi Mazhar Ali Azhar :** (i) Will the Honourable Minister for Local Self-Government be pleased to state—

(a) the population of Muslims and non-Muslims in the town of Campbellpur in Attock district ;

(b) the number of Muslim and non-Muslim voters ;

(c) the number of Muslim and non-Muslim members in the municipal committee ;

(ii) if the Muslims are in a majority in population and voting strength, but in a minority in representation, reasons for the same ;

(iii) what steps he intends to take at the next elections and nominations to see that Muslims are not reduced to a minority ?

The Honourable Dr. Gokul Chand Narang : (i)

(a) *Population.*

Muslims	..	..	..	..	4,159
Non-Muslims	..	..	..	..	3,838

(b) *Voting strength.*

Muslims	1,038
Non-Muslims	1,059

(c). *Elected.* *Nominated.*

Muslims	3	..
Non-Muslims	3	1

Total	..	6	1
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The Deputy Commissioner is also a nominated member of this committee, in addition to the nominated non-official mentioned in the above table.

(ii) The Muslims are in a majority on a population basis but in a minority on the voting strength. In each case the majority is so small as to be negligible.

(iii) No special steps are contemplated.

NOMINATIONS TO NAROWAL MUNICIPAL COMMITTEE.

***3426. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Local Self-Government be pleased to state—

(a) the population and voting strength respectively of Muslims and non-Muslims in the town of Narowal in the Sialkot district ;

- (b) whether it is a fact that when Muslims got five elected seats as against two got by non-Muslims in the previous elections, the two nominated seats were given to non-Muslims ;
- (c) whether it is a fact that in the elections held this year, Muslims have got only four seats as against three got by non-Muslims ;
- (d) whether Government now intends to give at least one nominated seat to Muslims this year ?

The Honourable Dr. Gokul Chand Narang : (a)—

Population.

Muslims	..	..	..	4,247
Non-Muslims	..	..	..	2,848

Voting strength.

Muslims	..	..	..	1,174
Non-Muslims	..	..	..	760

(b) Yes.

(c) Yes.

(d) The Commissioner has appointed one Muslim and one Christian.

EMBRACING OF ISLAM BY MEMBERS OF CRIMINAL TRIBES.

***3427. Maulvi Mazhar Ali Azhar :** Will the Honourable Member for Revenue kindly state—

- (a) the policy adopted by the Punjab Government in connection with the embracing of Islam by members of criminal tribes residing in the criminal settlements under the control of Deputy Commissioner, Criminal Tribes, Punjab ;
- (b) whether it was ever decided that these criminal tribes will be at liberty to adopt the religion according to their own free will and will be liable to be placed in such circumstances as may not hinder their adopting a particular religion ?

The Honourable Sir Miles Irving : (a) and (b) The policy of Government is that when any settlement is in charge of a religious society, that society has a right to object to visits of preachers belonging to another religion, and that the Deputy Commissioner for Criminal Tribes should have discretion to refuse permission to the preachers of a particular faith to visit a settlement under the control of a society professing a different faith. Reasonable facilities are however given to inmates of a settlement, who have expressed a desire to change their faith, to secure the advice and assistance of a representative of the faith which they consider embracing. If representations are received by the Deputy Commissioner, Criminal Tribes, from persons in a settlement to the effect that they wish to change their religion he or the superintendent of the Settlement has been instructed to allow them to interview representatives of the faith which they contemplate embracing, provided that, by doing so, he or the superintendent does not anticipate any real danger to the tranquility of the settlement.

EMBRACING OF ISLAM BY CRIMINAL TRIBES.

***3428. Maulvi Mazhar Ali Azhar :** Will the Honourable Member for Revenue kindly state—

- (a) the number of the criminal tribes residing in the criminal tribes settlement Chak 19-9-R East near Kacha Khuh, in Multan district who have so far embraced Islam ;
- (b) whether it is a fact that Khan Sahib Dr. Muhammad Hussain of Lahore was not allowed by the Hindu superintendent to enter the settlement to enquire into the grievances of the new Muslims on their call ;
- (c) if so, whether this action of the superintendent in this connection was consistent with the declared policy of Government ; if not, what steps Government intends to take in the matter ?

The Honourable Sir Miles Irving : (a) 19.

(b) and (c) He was not allowed to enter the settlement to convert certain of the inmates, but he was allowed to interview them for this purpose outside the settlement. The procedure adopted was in accordance with the order of Government in the matter.

DEPUTY COMMISSIONER CRIMINAL TRIBES PUNJAB'S MOVE TO SIMLA.

***3429. Maulvi Mazhar Ali Azhar :** Will the Honourable Member for Revenue kindly state—

- (a) whether Government is aware that Deputy Commissioner, Criminal Tribes, Punjab, on his move to Simla during 1933 paid a handsome amount for the carriage of his private luggage out of the public money at his disposal ;
- (b) whether this amount was ever recovered from the Deputy Commissioner, Criminal Tribes, Punjab, and credited to public funds ; if so, when and under what circumstances ?

The Honourable Sir Miles Irving : On the move of the Deputy Commissioner, Criminal Tribes, not to but from Simla the sum of rupees three, annas fourteen was by an error of a clerk charged to Government on account of the private luggage of the Deputy Commissioner, Criminal Tribes, which sum was immediately refunded to Government on the arrival of the luggage at Lahore when the mistake was detected.

DEPUTY COMMISSIONER, CRIMINAL TRIBES, PUNJAB.

***3430. Maulvi Mazhar Ali Azhar :** Will the Honourable Member for Finance kindly state—

- (a) whether he is aware that the Deputy Commissioner, Criminal Tribes, Punjab, is president of the local body known as Reclamation League, with its headquarters at Lyallpur ;
- (b) if the reply to (a) be in the affirmative, how many meetings of the League were held at Lyallpur, under the presidentship of the Deputy Commissioner, Criminal Tribes, Punjab, since the inauguration of the body ;

(c) whether the Deputy Commissioner, Criminal Tribes, Punjab, drew travelling allowance for these journeys out of the funds of the Reclamation League or out of the travelling allowance allotment in the budget at his disposal ;

(d) if travelling allowance was drawn out of Government budget, whether it was a legitimate charge on the Government budget ; if not, what steps Government intends to take to recover the amounts of travelling allowance drawn by the Deputy Commissioner, Criminal Tribes, for his visits to Lyallpur, with the object of attending meetings of the Reclamation League ?

The Honourable Sir Miles Irving : (a) Yes, its headquarters have been moved to Lahore since March last.

(b) 17.

(c) and (d) The travelling allowance was met from the Criminal Tribes Department budget. The meetings of the League were always fixed on the dates on which the Deputy Commissioner, Criminal Tribes, was to be at Lyallpur in the course of his ordinary tour.

TRAVELLING ALLOWANCE FOR ATTENDING THE MEETING OF THE PUNJAB RECLAMATION LEAGUE.

***3431. Maulvi Mazhar Ali Azhar :** Will the Honourable Member for Revenue kindly state—

(a) how many Government officials serving in the Criminal Tribes and Reclamation Department attended the last annual meeting of the Punjab Reclamation League, held on 25th March 1934, at Lahore and how many criminal tribe delegates were ordered to attend from different quarters ;

(b) from which source these Government officials drew travelling allowance for attending the meeting of this non-official body and what amount of travelling allowance was actually drawn by them ;

(c) if the amount of travelling allowance was paid out of budget allotment at Deputy Commissioner, Criminal Tribes disposal, whether this charge to that allotment was a legitimate one ; if not, what steps Government intends to take to recover this travelling allowance drawn by these officials ;

(d) if the criminal tribes people who attended the annual meeting of the Reclamation League, were not paid any travelling allowance, what steps Government intends to take to compensate these Government officials for journey expenses incurred by them on Deputy Commissioner Criminal Tribes, Punjab's order to attend the meeting from far off places in most cases ?

The Honourable Sir Miles Irving : The information is being collected and will be communicated to the honourable member when ready.

CRIMINAL TRIBES AGRICULTURAL SETTLEMENT, BIRTHEBARI.

***3432. Maulvi Mazhar Ali Azhar :** Will the Honourable Member for Revenue kindly refer to the article published in the *Siyasat* of 6th May 1934, and place on table full details of the expenditure incurred on the construction of the well at Criminal Tribes Agricultural Settlement, Birthebari, district Karnal ?

The Honourable Sir Miles Irving : The required statement is placed on the table.

Statement.

Month and date.	Transactions.	Amount of each payment.
		Rs. A. P.
27th March 1930 ..	Paid to Sh. Abdul Hakim of Safidon on account of— 1. Cost of 15,000 pacca bricks (10") at Rs. 11 per thousand. 2. Cost of white lime 180 maunds at Re. 1 per maund 3. Cost of Kankar lime 100 maunds at Re. 0-4-6 per maund as per work order No. 51.	373 2 0
27th March 1930 ..	Paid to Neki Ram Ghumar of village Babri on account of cost of 35,000 pacca bricks 10" at Rs. 8-12-0 per thousand and 15,000 pacca bricks 9" at Rs. 7-8-0 per thousand as per work order No. 49.	418 12 0
27th March 1930 ..	Paid to Kanshi Ghumar on account of cost of 16,000 pacca bricks 10" at Rs. 10-8-0 per thousand as per work order No. 50.	168 0 0
27th March 1930 ..	Paid to M. Bunyad Ali of Babri on account of cost of 200 maunds of kankar lime at Rs. 28 per hundred maunds as per work order No. 52.	56 0 0
27th March 1930 ..	Paid to Niaz Mohammad, Contractor, on account of carriage of :— 1. Pacca bricks 66,000 from Babri at Rs. 3, per thousand. 2. Pacca bricks 15,000 from Safida at Rs. 11 per thousand. 3. White lime 180 maunds from Safida at Re. 0-5-0 per maund. 4. Kankar lime 100 maunds at Re. 0-4-0 per maund 5. Kankar lime 200 maunds from Thal at Re. 0-1-0 per maund as per work order No. 56.	456 12 0
27th March 1930 ..	Paid to Niaz Mohammad, Contractor, in part payment of the cost of— 1. Excavation 7,262 C.ft. 2. Kikar wood curb 3. Guild steel work. 4. Labour for fixing old iron work as per working order No. 53-55.	252 11 0
	Paid to Niaz Mohammad, Contractor, for labour on masonry.	93 13 0
	Paid to Fateh Din, Contractor, for excavation and masonry.	1,131 9 0
	Paid to Fateh Din, Contractor, for sinking and earth filling.	668 7 0
		and 13 2 0

SUPERVISING STAFF IN CRIMINAL TRIBES DEPARTMENT.

***3433. Maulvi Mazhar Ali Azhar :** Will the Honourable Member for Revenue be pleased to state—

- (a) the number and names of the supervising staff employed by the Deputy Commissioner, Criminal Tribes, Punjab, who are not educated even up to the Matriculate standard of the Punjab University ;
- (b) whether their appointments are not contrary to the Government instructions on the subject ; if so, whether the circumstances under which their appointments were made were in direct contravention of the Government orders ?

The Honourable Sir Miles Irving : (a) It is against the public interest to give names.

(b) All were appointed before the Departmental Classification Rules, which lay down the requisite educational qualifications, were drawn up.

KHADDER BRANCH OF THE PAKPATTAN CANAL.

***3434. Khan Bahadur Mian Ahmad Yar Khan Daulatana :** Will the Honourable Revenue Member be pleased to state—

- (a) the date on which the Khadder Branch of the Pakpattan Canal (Sutlej Valley Project) was opened for the first time during this season ;
- (b) the number of days that the canal ran up to the 15th of June ;
- (c) the quantity of the water required for running the full supply in Khadder Branch and the average supply allotted to it per day during the days that it ran during the present season ?

The Honourable Sir Miles Irving : (a) 25th April, 1934.

(b) 20 days.

(c) 1,479 cusecs.

492 cusecs = average supply actually run.

Shortage due to adverse river conditions.

UNSTARRED QUESTIONS AND ANSWERS.

HINDU ASSISTANT DISTRICT INSPECTORS OF SCHOOLS.

961. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state :—

- (a) whether it is a fact that there is a paucity of Hindus among the Assistant District Inspectors of Schools ;
- (b) if so, the reasons ;
- (c) what measures Government propose to take to remove the paucity ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to the answer to Council questions Nos. 237¹ and 1454² asked by him in the sessions of March and May, 1932, respectively.

¹Volume XXI, page 168.

²Volume XXI, page 973.

EDUCATION DEPARTMENT.

862. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state the number communitywise of the following posts held on 21st August 1931 when the present Assistant Director of Public Instruction took charge of his office on 31st March 1934 :—

- (a) assistant district inspectors of schools ;
- (b) district inspectors of schools ;
- (c) teachers and lecturers in Government College, Lahore ;
- (d) professors and lecturers in Government colleges in the mufassil ;
- (e) stenographers in the Education department ;
- (f) headmasters of Government, district board and municipal schools ?

The Honourable Malik Sir Firoz Khan Noon : A statement giving the required information is placed on the table.

It may, however, be added for the honourable member's information that cases of appointments of district inspectors, assistant district inspectors of schools, headmasters and teachers in colleges are dealt with by the Director of Public Instruction and not by the Assistant Director of Public Instruction and that stenographers according to the present practice are appointed by the officers under whom they have to serve.

(1) It will perhaps further interest the honourable member to know that district inspectors and assistant district inspectors of schools are primarily inspectors of rural schools and that therefore in selecting officers for these posts considerable importance is attached to rural origin and sympathies ;

(2) that in twenty districts out of twenty-nine Muslims have an overwhelming majority amongst the rural population as well as in the districts ;

(3) that the Muslims have only two colleges of their own as against nine of the Hindus and three of the Sikhs and that, therefore, for collegiate education the Muslims have to depend largely on Government colleges ;

(4) that the Hindu community is still markedly over-represented on the staff of Government colleges and the Muslims correspondingly under-represented, the proportion of each community being—

					Per cent.
Hindus ..	..	..	..	..	43·1
Muslims ..	..	..	..	..	28·4
Sikhs ..	..	..	..	..	14·0
Others ..	..	..	..	..	14·8

(5) that the Muslim community has comparatively very few recognised anglo-vernacular schools of its own, the proportion belonging to each community being—

Hindus ..	..	..	..	..	42·17
Muslims ..	..	..	..	..	18·53
Sikh ..	..	..	..	..	27·16
Others ..	..	..	..	..	12·14

and that the community for its secondary education has therefore to depend very largely on Government and board schools. Further that Government have laid down that as far as possible a Government school should have a headmaster belonging to a community which has no school of its own in the locality ;

(6) that the honourable member's community is still markedly over-represented among the anglo-vernaacular staff of Government schools, the proportion of each community being—

	Per cent.
Hindus	47
Muslims	89
Sikhs	13
Others	1

It has also to be remembered that the Hindu community takes the lion's share out of grants-in-aid and with this finances a very large number of its own schools whose headmasters are all Hindus.

(7) that headmasters in board schools are appointed by inspectors under Article 48 of the Punjab Education Code, and that the Director of Public Instruction's office has nothing to do with these appointments ; however the information asked for is being collected and will be supplied to the honourable member when ready.

Statement.

Names of posts.	ON 21ST AUGUST 1931.				ON 31ST MARCH 1934.			
	Hindus.	Muslims.	Sikhs.	Others.	Hindus.	Muslims.	Sikhs.	Others.
(a) Assistant District Inspectors of Schools.	43	81	25	2	39	89	23	1
(b) District Inspectors of Schools..	10	16	3	1	8	16	4	2
(c) Professors and Lecturers in Government College, Lahore.	15	7	2	1	13	11	3	1
(d) Professors and Lecturers, Teachers in Government Colleges in the mufassil.	102	64	31	6	101	61	32	7
(e) Stenographers in the Punjab Education Department.	3	4	1	..	2	6	1	..
(f) Headmasters in Government schools.	34	45	7	2	32	49	10	..

HEADMASTER, PATTO HIRA SINGH HIGH SCHOOL.

863. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

(a) whether S. Jawahar Singh, Headmaster, Patto Hira Singh High School, was ever reverted to the position of a second master ;

[R. B. Lala Sewak Ram.]

(b) whether S. Sadhu Singh, A. D. L., was appointed in his place ;

(c) if so, who was put in place of S. Sadhu Singh and what was his designation before ;

(d) how many men he superseded on the list ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) Yes.

(c) M. Ahmad Khan, senior English master, Government High School, Jullundur.

(d) None. Transfer from the teaching line to the inspection line and *vice versa* is neither promotion nor degradation. Therefore the question of supersession does not arise.

ABDUL RASHID OF LUDHIANA COLLEGE.

864. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state :—

(a) whether one Abdul Rashid of the Ludhiana College after having resigned his service in the grade of Rs. 100—5—135, has been re-appointed in the grade of Rs. 140—10—190, and whether the break of his service has been condoned ;

(b) if so, the special reasons for this ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes. The correct name of the official is M. Rashid Ahmad and he was in the grade of Rs. 140—10—190 when he resigned his post in the Intermediate College, Ludhiana, because extension of leave for completion of his studies in Europe was refused. However on his return to India on the strong recommendation of the Principal, Ludhiana College, he was re-instated in his old post and the letter accepting his resignation was cancelled.

(b) His high academic qualifications, that is to say B.A., B.T., Mn. F., Ph. D. and M.A., of the University of London and his good record in service.

HEADMASTER, GOVERNMENT HIGH SCHOOL, FEROZEPUR.

865. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state :—

(a) whether M. Aziz Bakhsh was made headmaster in place of Lala Pars Ram, deceased, in the Government High School, Ferozepore :

(b) if so, what special reasons there were for his appointment and what length of service he had to his credit ?

(c) how many senior non-Muslims he superseded ?

The Honourable Malik Sir Firoz Khan Noon : (a) No. M. Aziz Bakhsh was, however, appointed headmaster, Government High School, Garhshankar.

(b) He has put in sixteen years' service and was considered by the Inspector of Schools, Jullundur division, as most suitable for the post of headmaster. It may be added for the honourable member's information that the appointment of headmaster is made strictly by selection and among other things administrative ability is considered as an essential factor.

(c) M. Aziz Bakhsh was appointed as headmaster on his own pay in the grade of Rs. 140—10—190. Therefore strictly speaking there has been no supersession. However he has been appointed headmaster in preference to sixteen Muslims and twenty-nine non-Muslims who are above him in the graded list.

LALA AMIR CHAND, DISTRICT INSPECTOR.

866. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state :—

(a) whether Lala Amir Chand, District Inspector, has been reverted to the post of a headmaster of a middle school and has subsequently been sent to an Intermediate college ;

(b) if so, who has been appointed in his place and what was he before ;

(c) how many men he superseded ?

The Honourable Malik Sir Firoz Khan Noon : (a) He was transferred as headmaster on the recommendation of his Inspector, but before he joined he was transferred at his own request to an Intermediate college.

(b) Mehta Ram Narain, 2nd master, Government High School, Sheikhpura.

(c) 37 Muslims and 75 non-Muslims. It may, however, be added for the honourable member's information that appointment of headmasters is made strictly by selection and that in the present case this appointment has involved no increase in pay or promotion in grade.

CHAUDHRI JHANDU MAL, DISTRICT INSPECTOR OF SCHOOLS.

867. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state :—

(a) whether Chaudhri Jhandu Mal, District Inspector of Schools, Education Department, has been made Assistant District Inspector ;

(b) if so, who has been appointed in his place ;

(c) his designation and his pay before and after the appointment?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes on the recommendation of Mr. Wilson, the Inspector of Schools, Ambala division.

(b) Mr. S. F. Dean, an Indian Christian.

(c) Personal assistant to district inspector of schools, Rohtak, in the grade of Rs. 110—5—135. He was appointed district inspector of schools, Simla, on the same rate of pay as he was drawing as assistant district inspector of schools. It may be added for the honourable member's information that Simla being a small district a junior assistant district inspector is always put in charge of this district.

MR. U. KARAMAT, LECTURER, ISLAMIA COLLEGE,
LAHORE.

868. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state :—

- (a) whether it is a fact that one Mr. U. Karamat, Lecturer, Islamia College, Lahore, has directly been posted to the P. E. S. on Rs. 500 ;
- (b) if so, the special reasons for so doing ;
- (c) how many senior non-Muslims have been superseded by his appointment ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) There were two vacancies in the P. E. S. Class II to be filled by direct recruitment and the selection board placed U. Karamat at the top of the list. He was exceptionally well qualified and was in receipt of approximately Rs. 600 per mensem at the Islamia College, Lahore.

(c) As a certain percentage of recruitment to the P. E. S. is to be made by direct appointment the question of supersession does not arise. It will perhaps interest the honourable member to know that along with U. Karamat another candidate, viz., S. Iqbal Singh was also appointed direct to the P. E. S. and that both these appointments were made on the recommendation of the Selection Board which consists of two Muslims, one Hindu and one Sikh with Director of Public Instruction as Chairman and that the Muslim members were absent from the meeting which recommended these appointments.

MR. SIRAJ-UD-DIN, GOVERNMENT COLLEGE, LAHORE.

869. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state :—

- (a) the reasons for posting Mr. Siraj-ud-Din, a new hand, to the Government College, Lahore, in the P. E. S. grade ;
- (b) consequent upon this how many non-Muslims with higher claims have been superseded ?

The Honourable Malik Sir Firoz Khan Noon : (a) Mr. Siraj-ud-Din was originally recruited in the grade of Rs. 200—10—250 of the Subordinate Educational Service and posted to the Government College, Lahore. He was strongly recommended for the P. E. S. by the Principal, Mr. Garrett, who, on account of his high academic qualifications, considered him the most suitable candidate for a lectureship in English in the Government College, Lahore. He was consequently promoted to P. E. S. Class II on the recommendation of Mr. Parkinson when the latter was officiating as Director of Public Instruction.

(b) None. In fact there is no man of his qualifications in the S. E. S. or P. E. S. Class II. It will interest the honourable member to learn that the following non-Muslim officers were recruited direct to the P. E. S. to improve the staff of Government colleges.

- | | |
|--------------------------|------------------------|
| 1. Dr. Vidya Sagar Puri. | 4. Dr. P. K. Kichlu. |
| 2. Dr. Vishwa Nath. | 5. Mr. N. C. Daruwala. |
| 3. Dr. Trilochan Singh. | |

KHAN BAHADUR SHAIKH NUR ELAHI, ASSISTANT DIRECTOR
OF PUBLIC INSTRUCTION.

870. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state :—

- (a) whether it is a fact that Khan Bahadur Shaikh Nur Elahi, Assistant Director of Public Instruction, has begun touring in the province as a Super-Inspector ;
- (b) if so, the object of these tours and what need there is for these tours ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) Tours by Assistant Director of Public Instruction have been undertaken in the interests of the Department and Government are satisfied that these tours have served useful purpose.

871. Cancelled.

WOMEN IN EDUCATION DEPARTMENT.

872. Shrimati Lekhwati Jain : Will the Honourable Minister for Education please state :—

- (a) the total number of women employed in the Education Department communitywise (Sikhs, Muhammadans, Indian Christians, Anglo-Indians, Europeans and Hindus) ;
- (b) the total amount of pay drawn by the women of each community employed as above ;
- (c) the community to which the first highest placed ten female incumbents in the Education Department belong ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to the consolidated statement showing the proportionate representation of the various communities serving in the different departments of the Punjab Government as it stood on the 1st January 1934, which has been laid on the table.¹

LAHORE CONSPIRACY CASE.

873. Shrimati Lekhwati Jain : Will the Honourable Finance Member please state—

- (a) when the last Lahore Conspiracy Case (Crown *versus* Jahangiri Lal, etc.) was started and the date on which the orders were pronounced by the Special Commission ;
- (b) the total number of days on which the hearing took place in all the courts in the above case ;
- (c) the names of all the prosecution and defence counsel and the period during which they were employed and the total remuneration paid to each of them by the Crown
- (d) the total amount of money actually spent by the Government in the trial of the above case with details of all the items of expenditure, if possible ;

[Shrimati Lekhwati Jain.]

- (e) the amount paid to the Special Magistrate in pay or extra allowances when he was trying the said case ;
- (f) the amount paid to each of the Special Commissioners ;
- (g) the amount paid to the various accused and the class in which they were placed ;
- (h) the class given to the accused after conviction. If such class is inferior to what they enjoyed during the trial the reasons for that ;
- (i) whether there are different rules for the classification of prisoners, for giving better class treatment, during the trial and after conviction ;
- (j) the names of the Police officers who have been wholly in charge of this case ;
- (k) in how many cases was an appeal or revision filed against the orders of the Special Magistrate or Special Commissioners, in the High Court and in how many cases such appeals or revisions were accepted ;
- (l) whether the charge against the accused was that of conspiracy and whether such conspiracy has been held to be proved by the Special Commissioners ;
- (m) whether the opinion of the Government Advocate was obtained before launching the above prosecution case as to the factum of a conspiracy ; if so, what was that opinion ; if not, why it was not obtained ;
- (n) why the accused were challaned for conspiracy and not for overt acts done by them when such a procedure would have been simpler and less expensive ;
- (o) whether the Government is contemplating to start a supplementary case against the approver ; if so, whether it intends to pursue the same course as to the production of exhibits and witnesses and thus incur all the costs of the original case afresh ;
- (p) whether any allegations have been made by any of the accused or the witnesses against any of the Crown officers investigating the case ; if so, by whom and against whom and the nature of such allegations ;
- (q) whether the Government has inquired into the veracity of these allegations, if so, what were the conclusions at which it arrived ; if not, whether it proposes to do so now or after the conclusions of the appeal in the High Court ;
- (r) which of the officers who made investigation in this case have been promoted to higher rank or otherwise rewarded ;
- (s) whether any of the approvers have been rewarded in any way ;
- (t) what cost, if any, has the Government incurred in connection with the appeal in the High Court ;
- (u) whether it is a fact that the learned Special Commissioners have passed strictures on some of the magistrates who recorded the statements of the witnesses under section 164, Criminal Procedure Code ; if so, whether Government proposes to take any action against such magistrates ?

The Honourable Mr. D. J. Boyd : The information is being collected and will be communicated to the honourable member when ready.

COMMUNAL TENDENCIES OF MR. HAKIM, PRINCIPAL, GUJRAT COLLEGE.

874. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state whether it is a fact—

- (a) that the Hindu Sabha, Gujrat, passed a unanimous resolution on the 10th November 1933, inviting the attention of the Punjab Government (Ministry of Education) to the ultra communal tendencies even in ordinary affairs of Mr. Hakim, the Principal of the Gujrat College ;
- (b) that a deputation of the Hindu Sabha accompanied by the President of the Mohiyal Sabha, Gujrat, waited upon the Director of Public Instruction on the 23rd November 1933 at Gujrat, inviting his attention to the communal administration of the Gujrat College ;
- (c) if so, what action has been taken on the representation of the said Sabha to allay the feelings of the aggrieved non-Muslims of the Gujrat district ?

The Honourable Malik Sir Firoz Khan Noon : (a) The resolution does not appear to have been received by the Department.

(b) Yes.

(c) No action, as enquiries were made and it was found that the complaints were unfounded.

SERVANTS' FEE FUND, GUJRAT COLLEGE HOSTEL.

875. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

- (a) whether it is a fact that in hostels of Government colleges in the Punjab where Muslim students are in a minority there is a common servants' fee fund ;
- (b) whether it is a fact that in the Gujrat College hostel this fund has been separated with the result that the Hindu boarders have to pay a heavy sum towards the pay of their servants ;
- (c) whether the Government proposes to take necessary steps to make rules regarding the servants' pay fund uniform for all Government colleges in the province ?

The Honourable Malik Sir Firoz Khan Noon : (a) In most of the Government Colleges ' Hostel Servants Fund ' is expended as a common fund for all boarders.

(b) No. There is no servants fee fund at the Government Intermediate College, Gujrat. In 1930, Lala Sri Kishen, the then Principal of the College, ruled that instead of the college paying the mess servants out of the ' servants fee fund ' to which the boarders contributed, the boarders should themselves pay the servants directly.

(c) No. The Government cannot interfere as the ' servants pay fund ' is a private fund of the boarders.

UNAUTHORISED OCCUPATION OF BUNGALOW OF PRINCIPAL, GUJRAT
COLLEGE.

876. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

- (a) whether it is a fact that Mr. Chirag Ali, Advocate, Gujrat, the brother of the Principal, is living since April 1932 in the rent free bungalow provided to the Principal by the Government, although Mr. Chirag Ali is in no way dependent on the Principal and is having a lucrative practice at Gujrat ;
- (b) whether it is a fact that Principal Lal Chand of the Jhang College was removed from principalship for a similar offence ;
- (c) if so, whether the Government intends taking any action against the Principal of the Gujrat College, if so, what ; if not, why not?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes. M. Chiragh Ali, Advocate, Gujrat, lived with the Principal, his brother, up to August, 1933. He paid no rent.

(b) No.

(c) Does not arise.

GOVERNMENT ARTS COLLEGES.

877. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

- (a) how many Government Arts Colleges there are in the province ;
- (b) the total number of the professors of Persian and Urdu in such colleges ;
- (c) the number of Hindu professors for these subjects in such colleges ;
- (d) if the number of Hindu professors is nil or very small, what steps he proposes to take if qualified persons are available ?

The Honourable Malik Sir Firoz Khan Noon : (a) Twelve.

(b) Twenty-six. Eleven of these are teaching other subjects also, viz., Arabic, Mathematics and Philosophy.

(c) One.

(d) It is neither possible nor desirable to fix and maintain communal proportions for teachers of specific subjects. On the other hand, the honourable member will find that among teachers of Sanskrit and Hindi, his own community will predominate.

ZAILDARS IN AMRITSAR.

878. Chaudhri Afzal Haq : With reference to my question No. 2897¹ (starred), dated 2nd March 1934, will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether he has ascertained the number of Muhammadan zaildars in Amritsar, if so, what is their proportion to the total number of zaildars ;
- (b) whether that is not an additional reason for the Muslims not getting adequate representation on the district board by election ?

The Honourable Dr. Gokul Chand Narang : (a) Of the 43 zaildars in the Amritsar district 9 were till recently Muslims. One of the Muslim zaildars has lately died. An appointment in his place has still to be made.

(b) Government have no reason to believe that the comparatively small number of Muslim zaildars in the district has affected the results of the elections to the District Board.

NON-VOTED EXPENDITURE.

879. Chaudhri Afzal Haq : Will the Honourable Member for Finance be pleased to state the amount of non-voted expenditure incurred in the Punjab in the years 1911, 1918 and 1922, respectively ?

The Honourable Mr. D. J. Boyd : Expenditure was not classed as voted or non-voted in 1911 and 1918. In 1922, i.e., 1922-23 the non-voted expenditure was Rs. 3,56,82,701.

STIPENDS TO MUSLIM GIRLS.

880. Chaudhri Afzal Haq : With reference to my starred question no. 2948¹, dated 6th March 1934, will the Honourable Minister for Education be pleased to state whether the Government propose to give more stipends to Muslim girls ?

The Honourable Malik Sir Firoz Khan Noon : Four scholarships, two of the value of Rs. 15 per mensem, each, tenable in the intermediate classes and two of the value of Rs. 25 per mensem, each, tenable in the B.A. classes are already reserved for Muslim girls and even these are not fully utilized because the conditions laid down under Article 166 of the Punjab Education Code are not satisfied. Government are, however, watching the progress carefully.

MOTION FOR ADJOURNMENT.

Mr. President : Does the honourable member wish to move for leave of the House to move his adjournment motion² ?

Chaudhri Afzal Haq : No, Sir, I do not wish to move my motion.²

STATEMENT RE RETRENCHMENT OF ONE CHIEF ENGINEER.

The Honourable Sir Miles Irving (Revenue Member) : Sir, I desire to make a statement, correcting in some measure a statement³ I made in this House on the 12th of March in the course of the budget debate on the motion moved by Sardar Arjan Singh that the grant be reduced by Rs. 11,838-5-8 with respect to the item of Rs. 3,54,100, Chief Engineers.

¹Volume XXIV, page 529.

²To move the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely to disapprove the action of the Governor in Council in the appointment of Revenue Member (a member of a service who is a non-Indian) in the leave vacancy of Sir Sikander Hyat Khan.

³Vol. XXIV, page 761.

[The Hon. Sir Miles Irving.]

The object of this cut was to bring about the retrenchment of one post of Chief Engineer, and in the course of the debate I quoted Article 20 of the agreement into which the Punjab Government had entered with the State of Bahawalpur and the State of Bikaner in respect of the Sutlej Valley Project, which says—

The original construction of the canals, collateral works including distributaries shall be carried under the control of the Chief Engineer appointed by the British Government whose sole charge would be the construction and working of this project.

When I made this statement, I fully believed that we were bound under the agreement to retain the Chief Engineer, but the question has since been further examined with a view to making a representation to the other parties and further legal advice taken on the exact interpretation of the agreement, and Government are now advised by its own advisers that the period of construction having ended, it is not necessary to retain a Chief Engineer whose sole charge shall be the working of the project. Government have addressed the partners in the project in this sense and await their reply.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

Mr. President : The Council will now resume discussion of the Punjab Relief of Indebtedness Bill.

Mr. Mukand Lal Puri (Punjab Industries): When the Council rose yesterday, I was discussing the principles underlying the proposals relating to the conciliation boards and pointed out that the Punjab Indebtedness Committee intended to confine the jurisdiction of these conciliation boards to cases within the jurisdiction of the Petty Insolvencies Bill and it was never their intention to confer jurisdiction on conciliation boards with respect to debts of any amount howsoever high. I submit, therefore, that if the experiment of these conciliation boards is to be tried, it should be limited to cases where debts do not exceed a thousand rupees. After all, the object of this legislation is to relieve distress of poor people, and there is no reason why the Punjab Government should be particularly solicitous about the richer members of the zamindar community, who are rich enough to borrow Rs. 50,000 or a lakh or more, specially when nothing is being done to relieve similar distress among other members of the community.

Another matter in the legislation relating to conciliation boards which requires the attention of this House is the absence of verification of application. The opinions which have been received show that there is a very real danger of fictitious names of creditors being put in in these petitions. It is quite easy to write pronotes in favour of obliging friends and relatives to the extent of 60 per cent. or more of the total debts of a debtor applicant, and by the application of clause 16 of the Bill wipe out the entire debt of genuine creditors. Mr. J. D. Penny, I.C.S., the Commissioner of Multan Division and several district judges and other officials have drawn the attention of the Government to this real danger.

“The danger is that the machinery will be misused by debtors.....there is a danger of collusive settlement covering bogus debts under clause 16 calculated to harm the interests of persons who stand out against them.”

If the conciliation boards are to be tried with any chance of success, there should be a definite provision for severe punishment for putting in false particulars.

I do not wish to go into further details of the criticism of the provisions relating to conciliation boards but in reproducing in their entirety the provisions of the Central Provinces Act, the Punjab Government had lost sight of one important fact, that is, that in the Central Provinces land of the agriculturists is available for sale in satisfaction of the debts, while in the Punjab it is not. Therefore, the provision under clause 18 (3) which postpones the realisation of the decrees or the debts of non-agreeing debtors to a period after the debts of agreeing debtors have been satisfied amounts in the Punjab to a postponement of payment of debt for ever. In the Central Provinces land will be sold at the most in a year or two and after the agreeing creditors have been thus satisfied, the non-agreeing creditors could come and execute their decrees. But in the Punjab where the only security is a usufruct of the land, the agreeing creditors will not be paid till after twenty years' lease has expired. Of what use is the decree or the debt to any non-agreeing debtor under clause 18 (3)? All decrees are barred after 12 years and no debt can be kept alive for twenty years. Similarly there are other provisions of this Bill, for example, clause 23, which practically amount to a repudiation of debts, but in view of the fact that these matters have been brought out in the opinions received, I do not wish to go into further details.

Again, Sir, this legislation so far as it attempts to evade realisation of decrees from persons who can pay, but will not pay, is thoroughly unrighteous. If you study the reports on the Administration of Justice in the Punjab, you will find that in the year 1930 the proportion of the decrees realised to the decrees executed was only 30 per cent., in 1931 it was 25 per cent. and in 1932 it was 24 per cent. In fact, as it has been remarked by the Privy Council and pointed out over and over again by various High Courts, the difficulties of a decree-holder only commence after the decree has been obtained, and the entire effort of the judgment-debtor is to dodge the decree-holder. As soon as a decree is obtained and the property is attached there come in a crop of objections by sons and relatives, and wife of the judgment-debtor and after those objections have been dismissed there come in declaratory suits, which last for two or three years and the satisfaction of the decree is indefinitely postponed. When declaratory suits are dismissed, appeals are filed in the High Court which take a number of years. In these circumstances it is not fair on the part of the State to create further difficulties in the realisation of decrees from persons who can pay but will not pay. In this connection, I commend the report of the Civil Justice Committee to the serious consideration of the Government.

One argument advanced in favour of this legislation deserves serious consideration and I propose to lay my view on this point before the House. It is said that it is the fall in prices which is responsible for the sad plight of the agriculturists. Now, whatever may be said, one thing is certain that the sad plight of the agriculturist in this respect to whatever causes it may be due, is certainly not due to any fault of the money-lender. The money-lender has always been a help to the agriculturist. Besides there is legislation to deal with an unscrupulous money-lender. The sad plight of the agriculturist is due to reduction in the price of agricultural commodities—

[Mr. Mukand Lal Puri.]

the real causes of which have baffled the most astute investigators. It may be the exchange ratio, the currency or fiscal policy of the Government, overproduction, etc. But whatever the causes may be, it has not been alleged even by the worst enemy of the money-lender that he is in any way to blame for it. Although it is true that a fall in the price of agricultural produce increases the burden of debt on the agriculturist debtor it also increases the burden of taxation inasmuch as the agriculturist has to sell more produce for paying his debt or his taxes. As against the increase of burden of debt, as against the creditor, the legislature has already provided an effective remedy because the chief asset of the agriculturist debtor, that is, land is safe from the creditor under section 16 of the Land Alienation Act. But he has no such relief against taxation. Therefore if the fall in prices has at all increased the burden of debt on the owner of land, so has it increased the burden of taxation. There is no remedy against taxation, inasmuch as under section 16 (2) the land of a member of an agricultural tribe is liable to be sold in realisation of arrears of land revenue. Therefore before any further relief is proposed, against the creditor, it is but fair that Government should afford a similar measure of relief against increased burden of taxation.

I would further point out that as far as the creditor is concerned he has been hit much more by the fall in prices than any individual debtor. As a result of the fall in prices and in view of the depression many of his debtors have gone into insolvency and half of his assets are thus entirely wiped out. If he has lent money to ten persons, five would go into insolvency and he will not be able to recover anything from them and thus half of his assets are wiped out. How far is it fair in the circumstances to ask a person who has already suffered by a fall in prices by asking him to scale down his debts even in the case of persons who can pay but will not pay?

I submit, that if the Government is in earnest in giving relief, I would make the following suggestions. I do not say that they are necessarily the most effective remedies, but they are the ones that have suggested themselves to me and I place them before the House for what they are worth—

- (i) Currency depreciation ;
- (ii) making a substantial remission in taxation ;
- (iii) removing unemployment by an intensive industrialisation of the country and by undertaking productive schemes of capital expenditure ;
- (iv) repealing or in any case substantially modifying the Punjab Land Alienation Act, which would have the effect of increasing the value of assets of zamindars and enable Government to supply cheap credit to zamindars by creating mortgage banks.

These are the suggestions and all or any of them may be tried.

This Bill has been circulated for opinion, and the House must have noticed that there is a sharp cleavage of opinion and mostly on communal lines, as has been pointed out by Mr. Stainton, I.C.S., Deputy Commissioner of Dera Ghazi Khan. Hindus are against the Bill. Opinion amongst Muslims is divided ; some are against it and some in favour. (*An honourable member :*

(Not all Hindus are against it.) Since my learned friend has interrupted me, may I just refer to the opinion of a Hindu gentleman of the class to which my learned friend belongs, who is a statutory agriculturist like the interruptor but who is able to take a fair and equitable view of the proposed Bill. I refer to the opinion of Rai Bahadur Diwan Chand Saini, the leader of Gurdaspur Bar, Vice-Chairman of the District Board of Gurdaspur and a leader of the Sainis of the Punjab. He says that he is a member of an agricultural tribe and feels full sense of responsibility in giving his opinion on the Bill. He says that the Bill "will work as an engine of oppression" and is not only most unjust and injurious to the creditors but "that it will really benefit the unscrupulous debtor generally and will ultimately ruin the agriculturists directly, and indirectly harm the Government materially." He is wholly opposed to the Bill. I was pointing out before I was interrupted that fortunately or unfortunately the trend of opinions for and against the Bill has taken a communal turn. But let it be said to the credit of some of the official members of the Indian Civil Service that they have not allowed their sense of fair play in any way to be affected even by their natural desire to support official policy or an official measure. I may refer in this connection to the opinion of Mr. Ormerod, District and Sessions Judge of Ambala. He says that the Bill "embodies neither sense, policy nor justice. It is intrinsically unworkable, morally iniquitous and juristically an outrage." Again I draw the attention of the House to the opinion of another illustrious member of the Indian Civil Service, Mr. King, Deputy Commissioner of Rawalpindi, with whose opinion I entirely agree and which I commend seriously to the attention of Government. I will just read a brief extract from his opinion. He says—

To my mind the great fault of the Bill lies in the fact that it does not assume the appearance of an emergency measure but rather that of an unfortunate experiment in party legislation, the effect of which will be permanently to depress the scale of justice in favour of the agriculturist at the expense of the shukar. There are few historical precedents for such legislation. One is reminded of Solon's Seisachtheia in the first decade of the sixth Century B. C., but it is to be remembered that in that case the legislator was himself an influential member of the mercantile class, whose interests were chiefly prejudiced while in the present case the Bill is being introduced by a foreign bureaucracy which has hardly enjoyed the confidence of the mercantile classes since the days of the Punjab Land Alienation Act.

Personally I have no doubt that the political effect of such a Bill would be permanently to antagonise the whole of the trading classes in the Punjab, and to throw them into the ranks of Congress or any similar subversive organisation.

Even assuming that Government is obliged to choose the lesser of two evils, and finds itself compelled to alienate the sympathies of the mercantile class with a view to lightening the overwhelming burden of the zamindar the method by which the relief is proposed to be given seems to me entirely wrong.

Again, in this connection the House should take note of the opinion of perhaps one of the ablest members of the Indian Civil Service—I refer to the opinion of Mr. E. P. Moon, I.C.S., Deputy Commissioner, Multan. He has given a detailed criticism of the measure and he finds that the Bill in its present form is vitiated by an inner contradiction, inasmuch as while aiming at reducing rates of interest, it attempts to impede recovery. He recommends that measures to facilitate recovery should be introduced. He is opposed to even experimenting with boards, which so far from conciliating are likely to lead to protraction of litigation, to a fresh outcrop of tricks

[Mr. Mukand Lal Puri].

and stratagems to delay payment and defeat justice and to a not inconsiderable waste of time and money. So, I submit that in view of the opinions of these gentlemen who have no axe to grind, but who have got the courage of their convictions, there is no reason why this legislation should not be laid aside for a time at least. It has been suggested in some quarters that this debate has been staged at Simla with a view to demonstrate to the minority community. "This is a sample of what you are going to get under provincial autonomy." Sir, I wish to bring this aspect of the question to the serious attention of honourable members sitting on the opposite Benches. I earnestly request them to approach this problem with a sense of fairness and justice and not insist upon having a thing because they are in a majority and they can dictate their wishes. Sir, I oppose this measure and its reference to select committee.

Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): The Bill has been before the public for the last three months and no Bill at least during the life of the present Council has been so widely commented upon both in the Press and on the platform as this measure. The number of opinions received from the various religious, social and political bodies, from the various executive and judicial officers and from the private luminaries shows the keen interest which the public has taken in studying this Bill. I would suggest to the honourable members of Government to bring forward such a measure off and on to rouse the people from their deep slumber and to create some sort of interest and sensation in life which is otherwise growing more or less monotonous.

Almost all critics of the Bill grant that there is a real necessity for such a measure in order to save the people from sinking into the depths of poverty on account of the unprecedented economic depression. They differ only in matters of detail for which the stage has not yet been reached. Some critics say that it is very unjust to apply the Bill only to the agriculturists. Their logic I fail to understand. To-morrow they may say, "Why has the Government of India been spending lakhs of rupees for the province of Behar and Orissa and has not spent a single pie for the province of the Punjab?" The reason is that the province of Behar and Orissa has suffered from an unprecedented earthquake which had devastated and ruined the people, their houses and public buildings and public roads. A contingency has arisen in that province which has not arisen in the

11 A.M.

Punjab and that is the reason why that amount of money has been spent in that province. Another critic may say why has the Punjab Government spent so much money in the Rohtak district and not spent a single pie in the district of my learned friend from Lahore? The reason is simple and it is that that district has suffered from unprecedented flood which is not the state of affairs in the Lahore district. I therefore come to the conclusion that a cure is only needed where there is a disease. Nobody is expected to perform an operation on a healthy part of the body. Operation is always performed on the diseased part of the body, and not in its healthy parts. Continuing the same argument, it is the agriculturist and the agriculturist alone who is sinking day by day to the depth of poverty with such a speed with which even imagination cannot keep pace. The debt

of the agriculturist up to the date of the Report of the Indebtedness Committee has swelled up to 135 crores and is increasing day by day by leaps and bounds. So it is in order to save such class of people that a remedy is necessary. I am aggrieved to remark that in criticising this Bill these gentlemen forget even their own interests. They must know that the agriculturist is the backbone of the structure and if he ceases to take interest in life everything will go in disorder and chaos. If the agriculturist is ruined, the *sahukar* will be ruined, the shopkeeper will be ruined, the *arti* will be ruined; the factories, firms and companies will be ruined; the lawyers, the doctors and other professional men will be ruined and in the end the country itself will be ruined. So, it is the interest of the *sahukar* to keep alive the agriculturist. It is as much the interest of the *sahukar* to keep alive the agriculturist as it is the interest of the lion to keep alive the goat, as it is the interest of the wolf to keep alive the lamb, and as it is the interest of the hawk to keep alive the partridge, because it is the agriculturist on whose flesh and bone, the *sahukar* has got to live. In killing the agriculturist the *sahukar* strikes an axe on his own roots. Therefore it is essential that he should support every measure which is intended to ameliorate the position of the agriculturist. Another objection which some critics bring forward is that the Bill will impair credit. That is what we exactly want. Unless we limit his credit, unless we limit his borrowing capacity, we cannot save that gentleman who is known as the agriculturist. "The credit holds up the landowner," in the words of Mr. Calvert, "as the rope holds up the hanged man." The zamindar will be ready to mortgage even the paradise if he can lay his hand upon it. He is ready to spend as he has credit. As he has credit he spends money on ceremonies, on marriage and funerals; as he has credit he is ready to run an election for which he may be totally unfit on account of his personal qualifications; as he has credit and he can spend money he is ready to spend it ruthlessly on eating, drinking and merry-making. So, it is his credit that we want to limit and unless we do that we cannot save him and this Bill limits that credit. We cannot do it unless we pass this Bill. It is on account of us that you are to-day rolling in wealth and if we die out, I do not think you will find anybody else to keep you sufficiently busy. This reminds me of a misra—

کر ہم نہ ہوں تو ناز نہ ہمارے اٹھائے کروں

It is on account of us that you are doing all these things.

As to the Bill itself, there are only three parts which are very contentious, Parts 3, 5 and 6. Part III relates to the provisions of the Usurious Loans Act. The provisions of the Usurious Loans Act have been a dead letter so far on account of two reasons. The first is that the courts were given discretion. They were not bound to act under that Act and therefore they did not want to worry themselves much while sitting under the cool pankhas and electric fans. They thought, why bother about these things and go into the question whether the debtor has capacity to pay or not. The second reason is that no definition has been given so far as to what is or what is not "an excessive interest," and this is why the Act has been a dead letter. History has proved that the lowering of the rate of interest always helps in developing industry, commerce, trade and agriculture. Even in England it was realised that the rate of interest should not exceed

[Ch. Riasat Ali.]

half the rate of profit on trade. While speaking on this part of the measure about the restrictions of contracts and upon fixing the rates of interest, we must take into consideration three elements. The first is the nature of an ordinary agricultural debtor. The ordinary agricultural debtor or an agriculturist or a zamindar is generous, hospitable, brave and credulous and at the same time simple, ignorant, inexperienced and extravagant. That is the first condition which we have to bear in mind. Then No. 2 is that the rate of interest levied on sums borrowed in this province varies from $3\frac{1}{2}$ per cent. to 100 per cent. and decrees are passed to the extent of 200 times the actual amount. No. 3 is the existence of a system of compound interest in this province. By simple arithmetical calculation we will know that a loan advanced under the present law, at compound interest and *kadda* as it is called, will double itself within three years. A sum of Re. 1 will swell to the extent of Rs. 6,71,000 in 78 years. This is the result of compound interest under which people are suffering. An argument might be brought forward as has been brought forward by the learned Sessions Judge of Ambala that it is the elementary principle of contract that mere unfairness of a contract between the parties should not lead the courts to interfere. Freedom of contract is a good thing but humanity and sense of proportion also must have weight. The principle is right but we should study the special conditions. Intelligent governments have always interfered when certain things go beyond their limits. Supposing plague breaks out in a certain town, Government at once stops the stocking of cotton in that locality. Nobody is allowed to enter into a contract which is against public policy. A contract that in a duel between two if one dies no action should be taken against the other is wrong. If there is a contract which tries to destroy the society and which is against public safety and public law, there is no reason why Government should not rise to the occasion and interfere. They must now limit this rate of interest and save our civil death which this rate of interest leads to. I say that the rate of interest given even under these provisions is still high. It must be still lower. In deciding these questions we have to see and study all these criterion. The first is, what is the rate of interest? If we study the rates of interest in other investments we will be convinced at once that the rate indicated in the Bill is too high. The rate of interest on Government's loan is $3\frac{1}{2}$ per cent. First class banks give at 4 per cent. and second class banks from 4 to $5\frac{1}{2}$ per cent. Companies and other private firms give at 6 per cent. which is the highest limit. When the interest on other investments is so low as this, what is the reason that on these sums which are advanced to agriculturists the rate should be so high. I will go to part VI which deals with the rule of *damdapat*, i.e. the interest should not exceed the original amount. This rule, the rule of *damdapat* has been invariably accepted by Manu and all his commentators and is endorsed by the *rishis* and all have agreed that this is a sound rule. This is still in existence in the province of Bombay, as a special custom, on the original side of the Calcutta High Court, in all the states of Rajputana and in the districts of Ajmere and some other places. The rule was enforced in the Hindu period as well as in the Muslim period. It is after the constitution of the British courts that it was stopped. This has a brief history which I will not be irrelevant to mention here. In 1855 an Act known as the Usury Laws Repeal Act

was passed in this country. That measure abolished all restrictions of contracts between parties so far as the fixing of the rate of interest on money was concerned. This Act was just, I should say, a copy of a measure passed in England in 1854. Before that in the times of Henry VIII the rate of interest was fixed at ten per cent., as the profit on trade was counted as 20 per cent. then in the reign of Queen Elizabeth and James I it was reduced from 10 to 8 per cent., then during the Commonwealth period it was reduced from 8 to 6 per cent. and then in the reign of Queen Anne it was reduced to 5 per cent. It was realized in that country that unless there was a limit to the rate of interest and unless there was some check on the swelling of debts they could not make a profit. What was the result? The result was that colonies spread everywhere, trade and commerce increased and industries sprang up in the country. In the same way, taking that thing in view the Indian legislature passed this Act. But the difference was a marked one. The condition of the society there was as different from the condition of the society in India as the cold and shivering temperature of England is to the hot and burning temperature of India. People there knew and had developed a bargaining sense, they knew what contracts were to their advantage and what contracts were to their disadvantage, but the people here are inexperienced, simple, uneducated and do not know these things. The debtor here was needy, helpless, ignorant and illiterate while the creditor here was greedy, powerful and crafty. The conditions of England did not prevail in this country and I will say at once that it was a sort of mistake to pass this Act. Abolishing the freedom of parties in matters of interest in money. So to say. The rule of *damdapat* being ancient, well known, definite and reasonable and not against public policy, morality, justice, equity and good conscience must be enforced in this province, otherwise there is no hope of these people living for a single day.

Now I come to the third point, that is, Chapter VI which relates to arrest. I should say at the very outset that attachment and arrest in these days are not effective remedies for the realization of debts. I have known people of a high position going to jail without hesitation. I have known a pensioned *tahsildar* going to jail because he could not pay his debt and he wanted to turn that jail into a first class restaurant because he said that he takes his tea in silver cups, wants silken quilts and very valuable *lungia* and *tilladar* shoes. He did not feel any disgrace. I have known another gentleman an honorary magistrate with ten thousand acres of land going to jail for a debt of Rs. 2,500. I am afraid I am supporting my friend in talking like this that though men could pay they went to jail, but I am talking of the attitude of these people. He went to jail and was there for three months in spite of the fact that he was a big landlord and he did not care a fig for his disgrace and he welcomed the jail. What I want to conclude from these examples is this that the arrest and attachment are not effective remedies. Therefore we should increase the re-paying capacity of the people so that they may not go to the insolvency courts and may refrain from being declared insolvents and that can only be done if we enforce the provisions of this Bill, and if we apply the rule of *damdapat* and if we apply the provisions of the Usurious Loans Act. Now, Sir, my learned friend has quoted from the opinion of a member of the Indian Civil Service and I will do the same and will quote the opinion of Mr. Innes who has been Registrar of the High

[Ch. Riasat Ali.]

Court and has been more in touch with the judicial branch than any other person. What he says is this :—

It is well-known that the money-lender is not usually anxious to recover the amount owing to him in the early stages of the debt and is only too glad to allow the interest to accumulate. It is just before the limitation is due to expire that he usually approaches his client and suggests, without pressing for payment that he should simply execute a fresh document in acknowledgment of the debt. The agriculturist sees in this his opportunity to defer the evil day of payment and usually agrees with the result that interest is included in the principal and a fresh document is executed. This process may go on for a number of years and the original amount advanced as principal may swell to a very high figure owing to the inclusion of various accumulations of interest.

This is the way, he says, in which these interests are accumulated. Again he says :—

The Bill is inadequate and insufficient to meet the necessities of the time.

I need quote no more, it will take time. One or two things about the fact which Mr. Puri has just now referred to. He says that the decrees have remained unpaid on account of the reason that judgment debtors have evaded payment. I can assure him by all that I have said that this is not the reason. The reason why decrees remain unpaid is that the judgment debtor is unable to pay. If, therefore, you pass this Bill into an Act, if these provisions work for a certain number of years, you will find that the paying capacity of the zamindars will increase, fewer people will go to the insolvency courts and his hopes will be realized and these debts will be paid at least by half if not in full. Another thing which he has said is that he has suggested certain remedies to Government to apply. I will only make this answer that the Government is suffering from the same disease from which we are suffering. I mean that in these days they have not sufficient funds to spend on new enterprises, new departments and on creation of industrial concerns. All these remedies demand further expenditure and are impracticable and I do not see he is right in saying that these are good remedies at the present time. Of course they are remedies, but they are remedies not in lieu of this Bill but in addition to this Bill. If those days come back when the Government can afford to spend money I would welcome them and I would myself request the Government to apply these remedies, but it is not practicable at present. He has referred to the opinion of the Sessions Judge of Ambala. That goes in my favour. It is on account of these expressions of opinion that there is a necessity of passing such a measure. This is the sympathy, this is the mentality of the judicial officers. They call our class "the privileged class" and the gentleman says, I will quote only two lines :—

The proposal to create a privileged class of the community is in itself iniquitous enough as has been observed above, but the proposal to extend the provisions of the Act even to the servants of the privileged community strikes me as even more iniquitous still.

This mentality and this lack of sympathy on the part of our judicial officers is still more the reason why we should make certain provisions in the Bill itself so that they may have no discretion to go beyond it, if we want to save the zamindars and if we want to save them from sinking into this sea of debt the Bill must be passed. I have said that the Bill in my humble estimation does not go as far as it ought to, it is insufficient and inadequate, but I am satisfied only in accordance with the well-known proverb that

something is better than nothing, and we may hope that more will be done. We should proceed with this Bill like practical men and when we get this passed we can bring in amending Bills and in the next constitution when there would be a larger scope for going into the needs and wants of the elected members as they will be the representatives of the people, we will then have a greater occasion for having a Bill which is more sufficient for our needs. With these words I support this motion.

Mr. Manohar Lal (Punjab University): Sir, never have we in the Punjab Legislative Council been engaged on a measure of more far reaching importance, nor one where differences of opinion are more acute and the heat and bitterness of controversy more intense. And that is not surprising. For inspite of the advice of the poet "neither a borrower nor a lender be", the whole world is divided into two classes, the borrowers and the lenders; and whether it be under the impelling stress of economic motive—for producers everywhere must borrow—or for personal or private improvidence or because of the force of particular circumstances we are driven into being borrowers. The present controversy, it is no matter of surprise, has caused much passionate feeling. The representatives of both classes have expressed themselves at once with vehement indignation and intensity of feeling, because of the nature of the problem and the issues involved. Even high placed officials, so far as questions of justice, propriety and workability are concerned, have felt impelled to express themselves emphatically sometime it may be even in intemperate language. But harsh language furnishes no arguments. The District Judge of Ambala has expressed himself with what one might call undue energy of language but he has also deserved our thanks for the trouble he has taken in making a detailed investigation of some of the defects of the proposed legislation. If I may come at once to the question at issue, I may say that the critics of this measure do not seem to attach enough importance to the one fundamental and vital fact, and that is the great weight of debt under which the agriculturists in this province are at present suffering. It is calculated that in the year 1929, the agricultural debt stood at the stupendous figure of 185 crores and not long anterior to that date it was only 90 crores. The debt during a short period had increased by more than 50 per cent. The further fact that we cannot exclude from view is that the burden of this debt has increased tremendously in recent years. This is the imperious fact which we must face, and it is no use blaming the Government on its policy when, with whatever weakness, it makes an effort to face a situation of that magnitude. That, Sir, is a big fact that we have to take note of, the great debt and the increasing weight of that debt on shoulders no longer capable of bearing it (*hear, hear*). That is a fact. The other consideration is a dominant principle which governments must bear in view, and which I trust and I make no doubt, the Punjab Government is bearing in view, that nothing should be done to shake the basis of rural credit, because if that were done, we would not be helping the very class which we are most anxious to help.

Those are the two outstanding, all important and controlling considerations which we have to keep in view. In the few minutes that I shall take I propose not to address myself to any of the minor details which this Bill incorporates. No one claims, certainly the Finance Member has never claimed, that the Bill in the form in which it stands is anywhere near perfect

[Mr. Manohar Lal.]

This is a matter that the select committee can take care of and the House can do further amending thereafter. As I said the agriculturist has not only this big debt of Rs. 135 crores to bear but it might also be worth while remembering that next to Madras this is the biggest agricultural debt that exists in any province in India. We do not know the exact causes why the debt should be heavier in the Punjab than elsewhere. For instance, in the neighbouring province, the United Provinces, it stood at somewhere near Rs. 120 crores. The fact is that not only is this debt there, not only are agricultural prices falling but we are in the grip also of what is sometimes described as an agricultural crisis. It is not a crisis in the sense that something has come rapidly and is going to wear off with equal quickness. No. The more correct way of describing would be a prolonged agricultural depression. Not only is it a prolonged agricultural depression, but we are living at a time when this depression happens to be universal and when the causes that have created this position of depression are also of a character that do not give any promise of disappearing in any short interval. I am reading a very short passage—indeed it can hardly be called a passage, a bare line—from a work of very high authority, i.e., the report on agricultural depression produced under the League of Nations, and there the reason for this prolonged agricultural depression is set forth in these terms. "Agricultural prices are low in comparison with the expenditure which the farmer has to meet." This disproportion between the income and expenditure of agricultural undertakings is the dominant and decisive element of the prevailing depression, and most of the experts predict that this is going to be of long duration. It consists in the universal disturbance of the balance between production and consumption. It is a fact not quite realised by us but which is of great importance to the people of this province that while the forces of production have been practically revolutionised, especially on the technical side, consumption has not advanced in the same way, and this is particularly true of wheat. This may not be known or not sufficiently familiar to the members of this House, to the agriculturist members in particular, that the Germans have invented a special term for the present position as regards wheat consumption. They in their own cumbersome way called it "the structural aversion from the use of bread." The fundamental part played by bread as an article of food has decreased. In the United States what has happened is that between 1916 to 1928 while the population went up by 20 per cent. the consumption of wheat increased only by 5 per cent. The position as regards consumption on the one side and production on the other is so certain and well-marked that the economists entertain no doubt on the subject. While economics to-day speak with no certain voice, there is felt no doubt whatever that the price of wheat is not likely to increase to any considerable extent in any near future. In fact the economists' predictions are perfectly clear and all in one direction. In the Punjab we all know, it has been told us many times in this Chamber, that the prices of wheat and cotton, two of our staple agricultural commodities have substantially fallen during recent years, one by about 64 per cent. and the other by about 60 per cent. While the prices have fallen, it is a consideration of the highest importance which we ought to bear the whole time in view, that re-adjustments of expenditure on the part of the agriculturist are possible only to a much smaller extent. His prices fall and his

expenditure is comparatively inelastic. If that be so, if he cannot cut his expenditure down in the same measure as the prices decline we see easily that his position is worsening day by day. And in this regard I would call your attention particularly to a most instructive publication produced by the Board of Economic Enquiry of the Punjab, namely the Farm Accounts of past four or five years. If you will study these farm accounts you will be confronted with the most startling fact. I will give you the position of a farm of about 28 acres situated about 12 miles from Lyallpur, this farm may in this regard be taken as a kind of sample because the changes that you need make as regards figures for other farms would be inconsiderable. The expenditure of the agriculturist may be summarized thus. He has to pay to the Government in land revenue and *abiana* something like 40 per cent. of his total expenditure. His expenses on the upkeep of bullocks is about 36 per cent., his expense on seeds is about 6 per cent. Then there is expenditure something on hired labour which varies, call it about 10 per cent. The rest is represented by implements and similar items. You will note that we have only to look at this analysis to realise what large percentage of the total expenditure is taken away by our honourable friend, the Finance Member—40 per cent. of the total expenditure,—and that the agriculturist is working so far as regards his expenditure under conditions, if not of absolute rigidity, of comparatively stern inelasticity. Whatever the remissions may be which the Punjab Government have made in recent years to afford a certain amount of relief in years of acute distress to the agriculturist, they are nothing compared with the total proportion of his expenditure on this one item, *viz.*, land revenue and *abiana*. The relief cannot be much, however welcome that little relief may be. The agriculturist therefore is in this pitiable position that while his prices have been falling and the load of his debt remains constant, nay steadily increases, his expenditure is of an inelastic and comparatively rigid nature. So, given these broad facts, and given the large agricultural population of this province, on which it requires no great reasoning to see that the prosperity of this province, in fact its very existence, depends, I think no Government can be blamed when it puts forward a measure seeking to afford a certain degree of relief for the agriculturist's indebtedness. The question still remains whether the measure proposed is an appropriate one, whether it gives the necessary amount of relief, whether in the effort to give relief it does not affect seriously the very foundations of rural credit so essential for village economy and whether it touches improperly the fundamental principles of justice and propriety. These questions or some of them are in one sense questions of higher jurisprudence and in another sense questions of details with which the Bill is concerned in giving effect to the dominating idea of affording relief to a particular deserving class. Another consideration, at any rate with me, is of paramount importance and that is this. Here is this debt of Rs. 135 crores. Many of the protagonists of those who represent the lending side say and are pathetically conscious of the position, that they have no expectation that this debt will ever get paid off. They do not expect it. If that be so, is it not the dictate of wisdom that we should adopt some method by which something can be realised. What strikes me, and what is so clearly expressed in that most eminently sane opinion of Mr. Moon that we have before us, is that we must face the necessity of assuring payment of debts. Mr. Moon has used

[Mr. Manohar Lal.]

no really harsh words when he insisted on certain fundamental provisions that a piece of legislation such as this must embody. I do not think there is any getting over this that when you are making an effort to reduce the rate of interest, when you are making an effort to reduce the amount that may be due from the borrower you must also see that recovery is made more easy and payment is better assured. Whatever my honourable friends on the other side could call in question in that statement of view, I think Mr. Moon cannot be criticised when he says that if this Bill has implicit in it on one side a reduction of the rate of interest and the amounts due and on the other directly or indirectly it gives no assurance of payments, in fact makes payment more difficult, it has an inherent contradiction. And I trust, as one who is in general sympathy with the principle underlying this Bill, that steps will be taken either in the select committee or in this House that recovery shall not be impeded and payments shall be assured.

The second thing that strikes one is this and here we have the authority of investigations made by officers like Mr. Darling, than whom it would be difficult to find any officer in the Indian Civil Service with a larger measure of sympathy for our agriculturists. It is no use entering upon measures of agricultural relief for indebtedness or otherwise unless we address ourselves at the same time in some measure to the causes which have given rise to this indebtedness. You will remember, and surely this House remembers because we have it in a public document, that the greatest importance was attached by Mr. Darling to the many causes that have given rise to these debts in the first instance and have caused a rapid increase in them in more recent years. Among the more permanent causes he mentions the smallness of holdings and the way in which they are split, the heavy losses that occur to the agriculturist from the death of cattle, and his improvidence. Further factors are expansion of credit on the one side, and the opportunities to borrow on the other. As to more recent years, Mr. Darling has referred to what may be called the pet Calvert-Darling theory. These debts arise from increased prosperity among agriculturists. The steps are prosperity, desire to spend, facility in borrowing, money forthcoming, the agriculturist himself prospering and anxious to invest and the debts increasing.

A very important fact that has been brought out in the Punjab Banking Inquiry Committee and which we should bear in mind is this that about the time the Report was being written (in 1930) the number of agriculturist money-lenders was no less than 19,000, and you will find it laid down in that report that not only is the number so large, very nearly half the number of money-lenders who are non-agriculturists, but also a major part of the secured mortgage debt of the agriculturist is in the hands of these agriculturist money-lenders. That is a reflection, Sir, which I wish all would bear in mind, Government, people like me who think independently on this side and my friends opposite, that to forge out schemes of relief for agriculturists, we do not take any step which may unjustly hit or strike at the non-agriculturist money-lenders, because it is likely to have much larger and wider repercussions that one may imagine. To two or three more facts I shall, with your permission, draw the attention of this House. One is this, a great deal is said about the rates of interest prevailing in this province. The agriculturist it is said, is simply groaning under not only the burden of his deb

but the heaviness of the interest which he has to pay. That is not the opinion of Mr. Darling and his Inquiry Committee. Mr. Darling—if you study carefully the Banking Inquiry Committee Report—brings out very carefully that where security is good the rate of interest is not much—it is between 6 and 9 per cent.,—where security is second class the rate of interest is between 9 and 12 per cent., and where so security exists it is difficult to speak of the height to which it may rise. That is perfectly obvious. Money-lending is not pure money-lending, it is not handing over a number of shining notes across the counter of the Imperial Bank of India. Nothing of the kind. It is one of the most risky, troublesome and unpleasant trades. Where you have no security, and the trade is difficult, as operations are in the main on a small scale, there is the greatest possible difficulty in recovering debts. I do not want to go into details, but it is perfectly plain and one is not surprised that the rates then should be high. I will just read half a line from the Punjab Banking Inquiry Committee's Report at page 38—

In the circumstances, though the rates in this country press heavily upon the cultivator, the customary rate of 18½ per cent. (*paisa rupia*) for small loans can hardly be regarded as usurious—so far as it is honourably applied.

Mr. Darling has called attention to rates of interest that prevail in such rich countries as the United States of America. The rate of interest then is the result of a combination of many factors most important of which are the risk and trouble in a business of that character, and therefore my friends opposite should remember, since they are as much in the class of money-lenders as any of us on this side might be, that in this country, given the type of security, hasty statements about the rates of interest being usurious or applying other opprobrious terms, to these rates is not the best way of seeking the solution of a matter of this difficulty. Sir, those of us who have read with care Mr. Darling's report have also come across another fact of the greatest possible importance, viz., that the *sahukar* class, the money-lending class, the non-agriculturist money-lending class is not in a happy position. He is reducing his business; the law's delays and the failure of execution put a premium on default and favour the bad borrower. They are moving from the village to the town. There is no great anxiety on the part of this class necessarily to remain as members of a village economy where their life is not too easy and where unnecessary suspicions are cast on his procedure and hard words used about what he does. That is a sad thing. An indispensable element in rural life is tending to disappear; widespread distress is the likely consequence unless the whole fabric of rural economy is differently fashioned. It is a matter requiring the serious attention of Government, that in the building up of our rural economy a process of slow social adjustment, of even slower economic adjustment nothing is introduced which may have any catastrophic effect at a time when already the money lender is a suffering person. These, if I may say so, are some of the principles which we shall have to bear in mind when we are making a rightful, proper, imperatively necessary effort to give relief to our agriculturist friends.

Sir, two words more before I have done, and that by way of a summary. The principles then which we must bear in mind, and if we put them away even for a moment we shall suffer heavily, are these. Rural credit must not be impaired because if you do so you will not help the agriculturist. In effecting reductions and settlements payments must be secured, otherwise

[Mr. Manohar Lal.]

no language will be too hard to characterise our legislation as being inherently contradictory, and otherwise open to many of the objections which have been formulated in strong language by the District Judge of Ambala and other critics.

Another principle that we must bear in mind is that a distinction must be drawn between large and small proprietors. That is absolutely essential. It can never be the policy of Government, it should never be the policy of any Government, and if it were so Government would stand irretrievably condemned, that in trying to help the peasant who is hard hit and who cannot bear the burden of debt, relief is being given to my agricultural friend there who gets a fat salary in addition to the thousands of acres of land which he owns. The peasant proprietor and the tenant deserve all our sympathy, but here we are not to legislate for the big landlord who lives like a prince and who so easily attains to a nawabhood nor for the big sardar who has thousands and thousands of acres of land and lives a life of luxury with his fleet of motor cars and his palaces and country houses. Nor must we forget—and this is important—that relief of indebtedness barely touches the fringe of the problem of farm relief. Our friend the Honourable Member for Finance referred to one or two countries where something has been done in this regard. Nothing is more interesting to a student of economics than to study the manner in which during the past eight or ten years in the course of the great upheaval caused by the War various countries of Europe and elsewhere have tried to evolve schemes of agricultural reform. In Bulgaria and other countries, for the extinction of debt Government has undertaken to pay large instalments, pay settled amounts by regulated instalments, and has undertaken other and larger measures of relief—not like in India where the Government of India has merely done some propaganda to restrict jute production, or like Government in the Punjab tinkering with the idea of relief by giving microscopic remissions. This is not the way in which Europe at the present time, and other advanced countries have tried to formulate policies of agricultural relief. And, even as I submitted before, the most important thing is that the Government must take steps to help the agriculturist in cutting down his expenditure, and a Government that takes away 40 per cent. of the amount that the agriculturist spends has a direct duty in this matter.

Calculations have been made by our co-operative societies that during the past two or three years 13 to 14 per cent. of the borrowings from the co-operative societies are on account of the payment of land revenue. Shall I be far wrong in saying that borrowings at any rate to a similar extent from the ordinary money-lender have also been on account of Government land revenue? And if that be so, is not the Government directly responsible for much of the debt under which the agriculturist is groaning at the present time? Is not the money taken from the co-operative societies or from the money lender merely to fill the coffers of our friend the Honourable Member for Revenue? The responsibility of Government is great, but the responsibility shall not be discharged unless and until they carefully overhaul their whole system of taxation, particularly of land taxation. If the factors to which I have referred, and I have emphasized only those to which confident reference is possible, are of a more or less permanent nature, affecting the

economic position of our agriculturists then so far as I can see, any Government that does not promise promptly to take into hand a permanent system of reform in its land taxation affording real relief to the agriculturist shall not achieve any measures of real relief within the four corners of the legislation contemplated now. My friends on the opposite side say that this measure does not go far enough. I join hands with them. It does not; the proposed legislation by itself affords no real solution. All who have genuine sympathy with the agriculturists feel this; they are in distress and must have real relief. The Government ought to devise schemes of betterment for their relief. The present measure will bring at best some temporary relief. And, if it shakes rural credit the intended relief might be worse than the disease it provides against. These, Sir, are some of the principles of agricultural reform.

One word with regard to the principle of *damdupat*. I do not wish to address the House at length on this but that principle is often misunderstood. It is a principle of Hindu law that applies between a Hindu debtor and a Hindu creditor and is based on the reason that there is no law of limitation among the Hindus. And then it means only this, that at no one time can you get more than the amount of the principal itself by way of interest. And it does not say: if a money-lender has

12 noon.

received Rs. 200 as interest at one time, Rs. 300 as interest at another time and Rs. 400 on still another occasion, and then is driven to make a claim he has to account for the amounts he has previously received by way of interest, he can still claim full interest equal to the principal; it also admits, if that a person has advanced a thousand rupees and is going to settle accounts with his debtor on a particular date he may capitalise the interest with that amount. Nothing will be gained by referring the Hindu principle of *damdupat* as such, though of course we may make such legislative provisions as we may desire.

My last word is simply addressed to my friends the agriculturists on the other side with whom I have the utmost sympathy. In considering this measure let them pause and think. Let them be just to the money-lenders though they themselves have started in the race of lending only a short while ago. I am sure that if they bear this reflection in view, sitting down together round a select committee or again in this House, we should be able to forge a piece of legislation that should be acceptable to us all. *(Cheers)*.

Sardar Sahib Sardar Ujjal Singh (Sikh Urban): Sir, opinion in this country is no doubt sharply divided on the merits of the Bill. One class calls it a revolutionary measure and reads in it an attempt to declare a wholesale moratorium of the debts due to the money-lenders. This class also thinks that if the Bill is passed into an Act it will widen the gulf between the agriculturists and the non-agriculturists and that it will restrict the credit of the agriculturist borrower which will in the long run be detrimental to his own interest. The other class thinks that the Bill is a half-hearted measure to provide relief to the agriculturist who is groaning under the weight of a very heavy debt; and that in spite of the fact that the debt has reached a limit much beyond the capacity of the agriculturist the money-lender continues to

[S. S. S. Ujjal Singh.]

have his pound of flesh. I think there is a good deal of misunderstanding about the provisions of the Bill. The position as has already been stated by Mr. Manohar Lal is this, the agriculturist debt which stood at a very high figure of 135 crores in 1929 is estimated to be about 200 crores to-day; and with the catastrophic fall in prices that debt measured in terms of produce amounts to nearly 400 crores. Even calculating at a moderate rate of 12 per cent. interest the annual interest on the 200 crores amounts to 24 crores of rupees, whereas the annual agricultural income available for debt services is estimated to be about 5 crores. Under these circumstances the agriculturist is hardly able even to meet a fraction of the interest due on his debts. He has lost all heart in his work and cannot take any interest in agriculture because whatever he earns must go to meet his liabilities. Besides, he sees no sign even in the distant future of his debt being reduced by a fraction. At the same time the money-lender also finds that his capital is locked up. He is unwilling to make fresh advances until he is able to recover part of his previous loan. Thus a state of deadlock has been created in the system of rural credit. Unless something is done drastically to relieve the present situation the consequences are bound to be grave. Mr. Puri dealt at length on the privileges enjoyed by the agricultural classes and based his opposition to the Bill mainly on those grounds. I agree with him that in no other country and probably in no other province in this country the agricultural classes are so better treated and enjoy so great privileges as they do in this province. But how does this help us to meet the present situation? As a matter of fact a practical moratorium exists and it is as much in the interests of the money-lender as of the agriculturist borrower that something should be done to ease the present situation. The Bill is an honest attempt to find a way out of the existing impasse. The money-lender is an indispensable feature of Indian rural economy. As has been stated in the Banking Enquiries Committee's Report, he is easily accessible, his methods of business are simple and elastic. No one ought to have any objection to the existence of money-lenders in the village. He is certainly an essential part of village life. But unfortunately some money-lenders have resorted to unfair means in their dealings; and it is mostly on account of this that the agricultural borrower finds himself in his present sad plight. If we were to study dispassionately the provisions of the Bill we will find that there is nothing revolutionary in this measure (*hear, hear*) which will upset the rural credit. There are three parts in the Bill, one of which deals with insolvency procedure, another with the rate of interest. Now the part which deals with the insolvency procedure only reduces the limit of the debt and enhances the limit of the property; so that, debtor whose debt exceeds Rs. 250 and whose property does not exceed Rs. 1,000 should be able to derive the benefit of the simplified insolvency procedure. No one to my knowledge has raised any objection to this part of the Bill with the exception perhaps of the District Judge, Jullundur, who thinks that if the agriculturist is encouraged to go to insolvency court he will lose his morality. He bases it on the ground that an agriculturist has a great deal of self-respect in him and if you encourage him to go frequently to insolvency courts he will be demoralised and as 70 per cent. of the population comes from that class the whole population will be demoralised. There may be some truth in it. An agriculturist no doubt cares more about his self-respect than anything.

else. But when he has nothing to pay and when he is harassed by the money-lender he has no option but to go to an insolvency court. This provision is therefore a very valuable one. But in order that the agriculturists may derive greater benefit from it, some special insolvency courts or insolvency judges should be created. The third part fixes the rate of interest which might be termed as excessive. I do not wish to go into the question whether the rate of interest fixed is fair or not. But I would only like to say something on the principle. The money-lender undoubtedly charges a very heavy rate of interest. The rate varies from 18 per cent. to 75 per cent. per annum and in some cases the money-lender insists upon the full payment at the rate of 75 per cent. The agricultural debtor once in debt is always in debt with such a heavy rate of interest. It may be that the risk and the expenses of collection involved are responsible for this high rate of interest. But even then there is no justification for such a usurious rate. The unfortunate part of it is that even the courts have been allowing as high a rate of interest as 36 per cent. They have not cared to make use of the existing provisions of the Usurious Loans Act. It is, therefore, found necessary that some limit ought to be fixed.

Part VI of the Bill deals with *damdupat*. It has just been explained by Mr. Manohar Lal and I therefore do not wish to go into its history. But the point is this that a creditor should not be allowed to have his debt swollen to more than twice the principal sum advanced by him. It may be that he will have to go to court oftener than he has been doing, so that the interest may not go on accumulating. But it will in the long run prove to the benefit of the agriculturist. In the past the money-lender has been in the habit of allowing interest to accumulate so that the debt may go on swelling. But according to the provision in this Bill the total amount of debt due will not be allowed to swell to a higher figure than twice the principal amount advanced. Provision has however been made that this will not have retrospective effect. The chief trouble will arise in practice in connection with parts III and VI of the Bill. Many of us know that the money-lender is in the habit of writing a higher sum than he actually advances and sometimes he gets the thumb impressions or signature on blank promissory notes. In future he is also likely to take advantage of the ignorance and need of the agriculturist and whatever the rate of interest fixed is, he will take into consideration the rate that he wants to charge and will put in the promissory note or the bond a larger amount than he actually advances, so that when the courts take notice of his promissory note or bond he will be content with the rate of interest fixed by the court.

The money-lender will also be able to evade the provision of *damdupat*. Whenever the debt matures, he will take into consideration the principal and the interest. He will get a fresh promissory note executed and the whole sum will become the principal sum. It is difficult to guard against these unfair means. A suggestion has been made that all these bonds and promissory notes should be executed in the presence of a registering authority. I do not know how far this is practicable, but something should be done so that the money-lender may not resort to these practices.

Coming to part IV I would say one or two things. Part IV is certainly a novel measure. The provisions are not very happily worded and require a good deal of elucidation and explanation. I think the whole part will have

[S. S. Ujjal Singh.]

to be overhauled in the select committee. The principal matter with which this part deals is the establishment of conciliation boards. Conciliation boards are intended to effect a compromise between the money-lenders and debtors. Now in order that these boards should be able to effect a compromise the personnel of the board should be such as to inspire confidence both in the money-lender and the agricultural borrower, and if persons with requisite qualification and experience are found the success of the measure to a large extent will be ensured. The second point with regard to conciliation boards is that unless some arrangement is made for the payment of composed debts it will be impossible to effect a compromise. No money-lender would accept the reduction of his debt on paper unless he has some guarantee that the reduced debt will be paid. The point is this whether some financial arrangement can be made and in what manner. If any financial arrangement can be made, the agricultural borrower will be relieved of his debt to a very great extent. A creditor will be prepared to accept 4 to 6 annas of his debt, if he is sure that he is going to be paid in cash, otherwise he will not be inclined to accept a compromise or reduce his debt. My suggestion is that for affecting this reduction the Government and the Co-operative Societies should come into the field and play their part. Land Mortgage Banks or Co-operative Banks are the proper institutions which can help the zamindars in this matter. Loans should be advanced on long terms and easy rate of interest and payable by instalments in 20 to 30 years. If this is done I am sure this experiment of conciliation boards will succeed. I do not mean to say that money should be found for financing the entire agricultural debt. It will be impossible to do so. As the Bill provides, conciliation boards are to be constituted in certain areas as an experimental measure. My submission is that side by side an experiment of land mortgage banks should be carried on. Wherever conciliation boards manage to effect a compromise the money should be advanced by mortgage banks and paid to the money-lenders. It will take the sting out of the Bill. The agriculturist will be helped and the locked up capital will be set free. I do not wish to deal with other parts of the Bill. Certain provisions are necessary to make this Bill a success. For example, bogus creditors might be coming up before the conciliation boards. Some provision therefore should be made to prevent such false creditors coming forward and claiming their share. The only plausible criticism against this Bill is that it will have the effect of curtailing considerably the already low credit of the agriculturist. There is no doubt that credit is a very delicate matter and to some extent the credit of the zamindar will be restricted by this Bill. The zamindar utilizes his credit partly for unproductive and partly for productive purposes. If this shrinkage of credit results in the stopping of his unproductive debt it will prove a blessing in disguise. But the fact remains that zamindar requires money at the time of sowing. He wants seeds and when his bullocks die he wants money to replace them. Co-operative societies will have to play a far greater part than they have hitherto done and also taqavi loans will have to be advanced on much larger scale than hitherto. Excessive credit I believe does no one good, but it is certainly harmful to an ignorant and reckless borrower like the agriculturist. If his credit is restricted he will learn to live within his own means. On the other hand the money-lender will not be a sufferer as he is supposed to be.

My view is that the sooner this profession is stopped the better for the Hindus. The sooner the money-lender gives up this degraded profession which has taken the man out of him, the better for him. On the other hand I feel that the capital which the money-lender has, will be released for industrial development. The money-lender with all his brain and capital will not remain idle and will certainly find suitable and better avocation for himself. The Bill however does not provide any permanent remedy for the ills of agriculturists. It may be that the position of the agriculturist becomes worse as the Banking Enquiry Committee said in the report that "as shown by the experiment of the Deccan Agriculturists Relief Act the more restraints are placed on the money-lenders the worse becomes the condition of the borrowers." It may or may not prove true in our case, but the fact remains that unless the purchasing power of the agriculturist is raised nothing will save him. No measure of this nature will help him out of the mire. Government does not hesitate to bring forward measures which are considered controversial, measures of this nature or system like the separate and joint electorates, but the Government has been very slow in introducing that change in the currency system which the whole country has been demanding for the last many years. As a matter of fact it has been a universal demand and since the depression came, it has been a demand pressed by the agriculturists that nothing will tend to raise the prices of commodities more than a depreciation of the currency. And on what grounds does the Government oppose it? I may submit that on no practical grounds other than academic grounds. Sir George Schuster in his own words stated that the gain of the agriculturists will be the loss of the wage earners, whenever currency depreciates the agriculturists will gain because prices are bound to rise and with the rise of prices the wage earners who are paid in cash will certainly suffer. I submit that it is only thinking in terms of England where the industrial labour is paid in cash where there is industrial labour problem. In this country the chief wage earner is the peasant, the tenant, the menial, the village servant, the artisan. Every one of them is paid in kind and if the prices rise all these labourers will be the gainers.

No labourer will suffer. Undoubtedly some of the wage earners who are paid in cash in certain industrial districts or industrial towns will be slight sufferers, but they have been gainers on account of the catastrophic fall in prices. Another thing to which Governments must direct their attention is the development of cottage industries. We have always been advocating the cause of industrial development but nothing tangible has been done in this direction. We pity the lot of the zamindar who has nothing to do for a greater part of the year. For six or seven months in the year he remains idle; his family remains idle and still nothing has been done for him to supplement his income. This is the chief direction to which the Government ought to devote its attention.

I do not want to touch on the question of taxation as it has been pressed several times. Last of all I would say that there is need for uplift work in rural areas with the zeal of a missionary. The Banking Enquiry Committee stated—

In our opinion a real and lasting solution can only be found by the spread of education, the extension of co-operative and joint stock banking and by the training of the borrower in habits of thrift and saving.

[S. S. Ujjal Singh.]

Habits of thrift and saving cannot be acquired without persistent propaganda with the zeal of a missionary. I am glad to find that the Government has done something in this direction and has appointed an officer who has certainly got the zeal of a missionary and if finances are forthcoming he is certainly expected to do something in this direction. This Bill alone cannot provide the required relief to the agricultural classes. The Government must find means to raise the purchasing power of the peasant which he needs more than anything else at the present juncture. With these words I support the motion.

Shrimati Lekhwati Jain (North-East Towns, non-Muhammdan, urban) (*Urdu*): Sir, I rise to oppose the Bill and its reference to the select committee. This Bill, I am convinced is open to serious objection constitutionally, legally, economically, socially and also from the point of view of the Government. I am fully aware that the condition of the zamindars is undoubtedly bad and for that reason it is my desire that means should be adopted to better their condition. But it is my firm belief that this Bill will not afford any relief to the zamindars and I, therefore, feel no hesitation in opposing it.

It will not be denied that it is a novel measure the like of which you will not find on the statute book of any civilised country in the world and the most funny thing about it is that the object with which it has been introduced before the Council will not be achieved thereby. As I have said, it will not help the zamindars at all. In fact no legislation can help them however stringent it may be. The history of the previous legislations which were passed with the avowed object of affording relief to the zamindars abundantly proves that the zamindars stand where they stood previous to their passage. To safeguard the interests of these zamindars the Government, which is so very solicitous of the welfare of the zamindars and which is inclined to favour them even at the cost of the interests of other communities, passed the Alienation of Land Act in order to protect the interests of the zamindars. It was the first of the series of legislations intended for the benefit of the zamindars. But it was not long after that that the zamindars and their representatives began to cry for help for them. This cry is heard so often on the opposite benches and it has been repeated here too on the heights of Simla. Obviously that Act has not helped them very much. Then followed the Usurious Loans Act which gave to the courts discretionary powers to allow very low rate or interests on loans advanced to the debtors or say zamindars because they are alleged to belong to the class of debtors, in case the courts found the debtors to be in adverse circumstances. This Act also appears to have not satisfied the zamindars. Of course these Acts have done a good deal of harm to the non-zamindars who are not permitted to own even a small plot of land even if some of them may have a great liking for the profession of agriculture. The Chief Court of the Punjab also helped the zamindars by ruling as in the 4 Punjab Law Report that zamindars could not mortgage or sell their land. There is another provision in section 7, order 21, rule 41 of the Civil Procedure Code which gives protection to this class of debtors. According to this provision of law the debtors cannot be arrested and sent to civil prison in execution of decrees. There is yet another piece of legislation called the Insolvency Act.

which permits a debtor to apply for being declared insolvent and which has so often been made use of by the zamindars in their capacity of debtors. But all these safeguards appear to have failed to protect the interests of the zamindars. The last of this series was the Regulation of Accounts Act and this Act was also passed on the incessant demand of the zamindars. They represented to the Government that the sahukars were getting Rs. 10 for every rupee advanced by them to the zamindars and in order to check their mal-practices, they must be compelled to keep accounts in a particular form. The sahukars had to submit to it and they have now to keep regular accounts and also to send copies of such accounts to their debtors after every six months. But all these measures appear to have failed to make the zamindars and their representatives cease crying for help. That help they require even now which they required 35 years ago and I am sure that they will continue to require that help till eternity even if any number of measures as these are passed and placed on the statute book. And I need hardly say that like its predecessors this measure will do them no good at all.

The remedy of all the ills from which the zamindars are suffering lies somewhere else. But before I proceed to point out what that remedy is, I would like to address a few words to the Government with your permission. The Government appears to think that the non-zamindars are in affluent circumstances and that, therefore, their interests can be sacrificed to appease the zamindars. This attitude of the Government is certainly not very commendable. We find that of late the Government has begun to favour the zamindars in every walk of life and it has at the same time ceased to take care of the interests of the other communities. I should think that the sight of the big bungalows and big shops in which no doubt big almirahs are lying, has deceived the Government and also the zamindars. To disillusion them I may say that these shops do not contain anything but these almirahs. All that used to be in these big shops has now gone out of them to find its place in the houses of the zamindars. The Government very well knows that on account of the world-wide trade depression the markets are dull and there is no business transacted there. The shop-keepers are now finding it difficult to make both ends meet. By the fall in prices the traders have suffered more losses than even the zamindars have suffered. Even admitting that the zamindars have lost all, they have yet their lands to fall back upon. But the non-zamindars who have been equally, if not more, hit by this depression have not even that resource to depend upon. Under the laws in force they cannot adopt farming as their profession. Also in services under the Government there is no scope left for them. I have very little experience as a member of the Council, but from what I witnessed in the last budget session of the Council, I know that most of the motions moved at that time were intended to increase the number of zamindars in the services. One resolution was also moved recommending to the Government that early steps should be taken to increase the proportion of the zamindars in these services. The Government, as the House is aware, gave an assurance that they will have regard for the wishes of the mover. It is, therefore, clear that very little share out of the very limited posts, which Government can offer, will go to the non-zamindars. In short all doors are blocked for them and if under such circumstances the

[Sh. Lekhwati Jain.]

debts which they owe from the zamindars are wiped out or they are made difficult of realisation, it will certainly amount to crushing one community or one section of the population to please the zamindars. The Government owes its duty to the non-zamindars as well and it will not be doing the proper thing to ignore in this manner their interests.

This Bill, as I have said before, will not do a bit of good to the zamindars. To be very plain I do not exactly understand the definition of 'zamindar' given in the Bill. It is very vague and very wide too. The definition as it is will include all such vakils and barristers and Government servants who own lands and who derive some income from such lands even if many of them may never have seen those lands and may never have known how they are cultivated and what is cultivated therein. It will include all the big nawabs, big landlords and big sardar bahadurs who certainly do not require protection by Bills like these. May I ask whether the Government is justified in giving protection to these big men? I do not think it is. Of course, if the Bill was intended to protect the small holders and the petty zamindars, who really deserve protection, I would have been the first person to support such a Bill and I am sure that no one from the members of the Council would have opposed it. But to ask for protection for the big zamindars and landlords who owe as much as 50 thousand rupees against those who, as our zamindar brethren take pride in saying, have never tasted the so-called dainty dishes prepared by the meat of cocks and eggs and who live upon *mung ki dal* only, is asking for too much (*laughter*). On the one side is a very big and influential man for whom protection is being sought and on the other side is that poor sahukar all bones and no flesh and wearing a tattered and dirty *dhoti* against whom protection is to be given to that influential man or an honorary magistrates as my honourable friend has said.

Mian Nurullah : But where to draw the line between the big zamindars and the petty zamindars?

Shrimati Lekhwati Jain : That is not a very difficult problem to solve if only the Government were willing to solve it. In many cases the zamindars come weeping to the sahukars and beg with folded hands that they should be advanced loan because they have to pay land revenue and because in default of payment, they will be arrested and their wives and children will be miserable after their arrest. The sahukars taking pity on them advance them loans even if they may have to borrow the amounts to be advanced from other sahukars and I may tell the House that it happens in not a few cases. Therefore in considering this motion this point should also be borne in mind that many sahukars who have advanced loans to the zamindars are themselves in debt to other sahukars to almost the same amount which they owe from the zamindars. They will be surely hard hit if this measure is passed and enforced. I should say that they will be ruined and many others too and I am sure the Government will not let things go to such a pass. While on this point, I may inform the House and the Government too that it is not the petty zamindars who owe this big amount of 185 crores to the sahukars. If they owe at all they owe only a very small portion of it. It is the big zamindars on the other hand who owe a large portion of this debt and I may also

say that the loans taken by them were not taken because they were in trouble or that they had to pay land revenue, but because they wanted to have four wives (*laughter*). Such big loans were taken by them because they were not satisfied with a small house and wanted to have a palace for them or because they wanted to indulge in other luxuries. In many cases these debts were incurred because certain persons, or I should say zamindars, wanted to have two bottles of liquor every day to enjoy and make merry. In other cases such loans were taken because the debtors had to send their sons to England for further study and now when the time has come for the repayment of such loans, which the sahkars advanced after living on frugal meals after denying themselves all pleasures, these big zamindars ask for protection against these sahkars. These representatives of the zamindars are in fact their own representatives. They have not the interest of the poor zamindars dear to them. They in fact ask for protection for those who do not deserve this protection. I cannot imagine that the petty zamindars can or could ever have taken loans exceeding 20 or 30 or 50 or at the most 100 rupees. The money borrowed by them, therefore, cannot form a very large portion of the whole debt payable by the zamindar community and this is why I say that it is not so much to protect such petty zamindars that this Bill has been introduced as to protect those who do not deserve this protection. Therefore I see no reason why it should be placed on the statute book.

If the Government is really anxious to give relief to the zamindars, it can adopt other reasonable means to achieve that object. First it should lower the rates of land revenue which are very heavy and which have now become unbearable for the zamindars. If it is not prepared to lower the rates, it should introduce the old system of charging land revenue in kind as the rajas and kings of olden times used to do. If that system is introduced the fall in prices of the agricultural produce or low yield from crops will not affect in any way the zamindars. In any case the revision of these rates is essential particularly because these rates were fixed in most of the districts at a time when the wheat was selling at Rs. 8 or Rs. 10 whereas it is now selling at the rate of Rs. 2 per maund only. The big zamindars may not be feeling any difficulty in paying off the Government dues under the present circumstances, but the petty zamindars find it impossible to continue to pay at the present rates. To further ameliorate the sad condition of the poor zamindars, the Government should make arrangements on an extensive scale to educate them so that they may learn the advantages of living within means. I have had enough opportunities to see and meet the villagers in their huts as I should call them and I know that a large majority of them do not get more than dry pieces of bread to eat and onions for many of them is a luxury with which to take their meals. But when any marriage is to take place even such a zamindar will seek the help of the *bania* and will try to get loan at as high a rate of interest as the latter may demand. He will then go to the city and purchase silk clothes and other materials of luxury which he cannot really afford to enjoy. It is, therefore, necessary that the zamindars should be educated so that they may be able to know for themselves what is good and what is bad for them. The Co-operative movement I may point out here which organises magic lantern lectures in the villages is doing harm rather than

[Sh. Lekhwati Jain.]

good to the people. As I understand, it makes it known by beat of drum to the people of a locality that there will be *tamasha* to-day and the people are thus attracted to the scene in large numbers. In the pictures that are shown the zamindar is shown as having all bones and no flesh and the sahukar is shown as a leech sucking the blood of the zamindar. Over and above that the spectators are advised to consider the sahukar not as their friend but as their bitter enemy and it is this propaganda of the Co-operative Department that is mainly responsible for so many murders of the sahukars during the last few years. This is not the way to educate people and educate these zamindars. There are other means to achieve that end and if they are properly taught I am sure they will cease to spend on marriages and on such other occasions many hundreds and thousands of rupees and they will certainly celebrate their marriages with as much as they can afford to spend without going to the sahukars. Zamindars should be taught to live within their means. They should not spend too much on marriage and death ceremonies.

I want to bring home to the Government another fact and it is that if the present Bill is passed it will not only harm the agriculturists and the zamindars but will also cause a good deal of trouble to the Government. This Bill will strain the relations between the zamindars and the Hindu money-lenders. Already the people are sufficiently divided amongst themselves. This Bill will divide them further. At present the communal question has become so strong that even for small posts Hindus, Muslims and Sikhs quarrel among themselves and approach the Government to consider their respective claims for those posts. This causes a good deal of botheration to the Government. Moreover, the Government will lose a good portion of its income which it receives under the head of court-fee.

I P.M.

In addition to this the present Bill will stimulate socialist ideas amongst the people. They will think that it is a good thing to get whatever belongs to another for the Government itself is in favour of snatching things from the rich and giving them to the poor. This Bill in practice would mean nothing less than a strong fillip to such socialistic tendencies. A thing which is very heavy can only be lifted if three or four men or as many as are required to lift it lend their hands. The money-lender alone cannot bear the heavy burden which will fall on him after the passage of this Bill. He will simply perish under its weight. Let all the three parties concerned divide the burden amongst themselves. The Government, the money-lenders and the zamindars should jointly bear this burden. A burden of debt to the extent of 150 crores of rupees cannot be borne by the money-lenders alone. Let the Government reduce the rates of land revenue. Let the zamindar honestly make a sincere effort to pay whatever he can from the income of his land. Let the money-lenders accept a little less. The Government can also stop the zamindars alienating their lands unnecessarily. Let it raise a loan and advance it to the zamindars so that they may be able to pay it further to the sahukars. If the Government arranges to borrow money in order to advance it to the zamindars in order to enable them to pay their creditors, I think the condition of the zamindars can be

ameliorated without giving any cause of complaint to the money-lending classes. The Government can advance loans to the zamindars on the security of their lands and can get it back in easy instalments. When the Government will be the creditor the zamindars will be more careful to pay back their loans. They will observe every economy on account of the fear that they may not lose their land on the security of which the loans were advanced to them.

Then, Sir, there is another very important point and it is this that a class whose interests have been already safeguarded by such Acts as Land Alienation Act and Regulation of Accounts Act need not be given any further security by a measure like the present one. A class which cannot ameliorate its condition by the security afforded to it by the Acts already referred to cannot be expected to derive any benefit by the passage of the present Bill. The Government receives complaints from the zamindars that the money-lenders by deceitful means rob them of their money and believes them, thinking that they are illiterate and such a thing is possible. I ask why those people who are educated and can understand their liability after accepting a loan, borrow it from the money-lenders. Even those, who are educated, borrow. They borrow not only from the sahukars but also from the Pathan money-lenders. The Hindu money-lender is different from a Pathan money-lender. Pathan money-lender is a rude fellow and the debtor has to pay. As soon as the *babu* gets his salary on the 1st of the month the Pathan creditor appears and he forces the *Babu* to pay him back his money along with its interest.

Moreover public opinion is against it. At present the opinion of the zamindars and the money-lenders should be ignored for it is natural that the former should support it and the latter oppose it. The only opinion that counts is the opinion of a third party which is not interested and is not affected by the provisions of this Bill. In the opinion of such a third party this Bill is meaningless and absurd. The District and Sessions Judge of Ambala has expressed his opinion against the Bill and his opinion, he being disinterested, is important. This Bill is harmful for the sahukars, the zamindars and the Government equally. By its passage and enforcement the small holders will disappear. The big landlords will swallow them up. The Government also stands to lose for the same argument that the sahukars are rich and, therefore, they can afford to forego the amount of debt advanced to the zamindars, can also be adapted to be used against the Government so far as the realisation of land revenue is concerned. The very money-lenders who will be hit by the present measure will start a propaganda against the Government saying that the zamindars are poor, they want relief, Government is rich and can afford it, therefore, it should not be paid its dues. The only thing possible is this that the Government, the money-lenders and the zamindars should try to arrive at an amicable settlement amongst themselves. The Government should reduce the rates of land revenue and *abiana*. The sahukar should agree to receive back Rs. 4 or Rs. 8 per rupee advanced as loan to the zamindars and the zamindars should observe economy in order to save sufficient to pay back to the money-lender the amount of debt received by him. The speech which was made yesterday from the Government benches was a very reasonable one and it showed that the Government realises its responsibility. It is true as the

[Sh. Lekhwati Jain.]

Honourable Member said, in no country such a law can do any good. How can a man agree that another man to whom he has advanced some loan should not return it back? I ask from honourable Chaudhri Chhotu Ram, for whom I have every regard and respect whether if any one were to suggest to him that he may very kindly give all his land to the poor people he would agree to such a proposal. I can anticipate his answer. It will be, no. Yes; no one can agree to such a proposal. If so, how can you expect the sahkars to agree to forego the amount of debt which is due to them from the zamindars? I request the House to oppose this Bill for the reasons to which I have drawn their attention. With these words I resume my seat.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban), (Urdu): The honourable the lady member has said very nice things, but they were not relevant to the motion under discussion. Instead of discussing the condition of the zamindars and their indebtedness she started discussing big landlords. She digressed from the subject under discussion and tried to draw the debate into a quite different channel. Perhaps she did it purposely to divert our attention to something else. She made mention of the houses of the big zamindars, and how they send their sons to England. She advocated the cause of the small land-holders who are not rich and said that had the Bill been for their benefit alone she would have supported it. I am sure that if we agree that the benefit of the provisions of this Bill should only extend to the poor agriculturists, she would rescind her position. The agriculturist is the backbone of the province and it is the duty of the Government to protect him. If the zamindar falls on evil days the whole province is affected—commerce, trade, money-lending, legal practice, etc., all are affected. I request the honourable members opposite to calmly think over this matter and instead of caring for their immediate gain should consider those evil consequences which will surely overtake the province as a whole, if the zamindars are not given any relief. You respect cow and protect it. Why do you do so? You do so because you know that cow is a very useful animal. It gives milk, and for this reason you protect it. Similar is the case of the zamindars. They work and the whole population depends upon the result of their toil. Consider how useful the zamindars are for each and every class of the people and then try to realise our loss in case the zamindars, as a class are ruined. Come, let us join hands and do our best to protect the future of the zamindars. The Englishmen belong to a very cold country. India is comparatively much hotter. The Englishmen here in India and Indians from Kashmir in the winter season put on very warm clothes and also often use overcoats. But the poor zamindars when it is very cold in the winter season go about their work dressed in ordinary cotton clothes. Do you think zamindar will go about in his tattered cotton clothes in winter if he could afford warm clothings? He does so because he is too poor even to clothe himself. The zamindars are poor. They are underfed. They are under-clothed. Their condition is pitiable. The honourable Mr. Mahohar Lal and other members of the House should give practical proof of their sympathies with the zamindars by affording them some sort of relief. The burden of indebtedness is so heavy that it is impossible for the zamindars to pay back

their debts. Italy owed a debt of no less than 100 crores to England. But England cancelled a great part of that debt. Similarly to France was due a large amount of debt from Germany. What did France do? Instead of asking for the impossible they reduced it as it was expected that it would not be paid back. France let go a greater part of her claims to it. America also cancelled a large amount of debt which was due to it from England. Here in India, why cannot one class of people write off certain portion of its debts in favour of another class of people? The honourable lady member herself and others of the opposite benches admit that this large amount of debt is impossible of being paid back. We quite agree with them and say that the Punjab peasant can never discharge such a huge liability. Therefore, it is essential that we should adopt such measures by which the further accumulation of debt may be stopped and also the rates of interest may become reasonable. If a man is a fool and he agrees to a contract that he would pay 40 per cent. interest on a sum advanced to him then, I think the creditor is a greater fool to expect him to pay such a high rate of interest. In England a similar stage was reached on account of the Jew money-lenders. It was the time of Edward III who turned them out of England. It was a most undesirable act, but all the same history shows to what extent people can go who get exasperated through what they consider the tyranny of money-lenders. Sir, the very word *sahukar* means a person whose work it is to steal. A son of Shivaji who was brought to Delhi as a hostage was given the name of *saku*, i.e., a thief. The Moghuls gave that name to the money-lenders. It is the duty of the Government to afford some relief to the zamindars in the form of cheap justice, reduction of interest, part cancellation of debts and stop lending of money for extravagances. If the Government is of the opinion that rates of interest can remain as to its present extent then I may assure them that they will require a much larger number of jails all over the province. Government will have to send millions of people to the jail, and convert the whole of the Punjab into a jail.

It has also been observed that the money-lenders often do not enter in their register those sums which are paid back by the debtors. I happened to enquire from a Sikh gentleman who was also a money-lender about this matter and he told me laughingly what of that if sometimes he forgot to make the entry and the money returned remained unentered, in the register. A similar statement was also made by a Muhammadan money-lender. You blame the zamindars that they are not honest in their dealings. How can you expect them to be reasonable and honest? In their heart of hearts they know that the *sahukar's* demand from them is unjust but since they happen to have committed themselves by executing a promote, etc., they cannot do anything but to try to trick the money-lender. Once a Sikh friend of mine told me that his grandfather once advanced a loan of Rs. 50 to a shoe-maker. The shoe-maker was a poor fellow. He could not return the loan, so, for some two or three generations the whole family was supplied shoes by that shoe-maker. And in the end this loan was also realised from him. The zamindars who are rich and very fat are very few. There are cases of the extravagances of rich zamindars, but we all know that they have paid many times their original debts in the form of interest. We have to see the condition of the Punjab peasant generally. He is starving and

[Sh. Muhammad Sadiq.]

it is feared that he may not rise in revolt against the Government or against the sahuikars. The economic condition of the people is so bad that a man who borrowed one rupee a few years back cannot now pay even four annas of the loan, because the price of commodities have fallen very low and after paying his Government revenue, seeds, etc., nothing much is left to him.

Sir, much stress has been laid on cutting down the Government expenditure in order to afford relief to the zamindars. I hope Government will reduce their expenses, but even if it is reduced by 25 per cent. even then the problem will remain unsolved. The Government at the most will whittle down the expenditure which it incurs on account of the beneficent departments. How selfish this suggestion is? The money-lending classes want that all the country may go to dogs, but they must have their high rates of interest. They say, let education be not given to the people, let their health be not looked after, let them not have anything beneficial from the Government so that the money which is being spent on all these things may be given to the zamindars who may pass it on to them. The money-lenders do not want to make any sacrifice. A similar situation had arisen in the United Provinces. The people became heavily indebted. The money-lenders squeezed everything out of them. The agriculturists had to leave the country. Your syces and other servants who look after the horses and bring grass for them belong to that part of the United Provinces which was vacated by them on account of the highhandedness of the money-lenders. At present that once fertile land is included in *tarai* and is overgrown with dense forests wherein now wild animals roam and is the home of mosquitos. Perhaps the honourable lady member wants that the same fate may overtake the Punjab.

I know it is no offence against society to carry on money-lending trade. It is, on the other hand a useful and beneficial occupation both for the debtors and creditors. What I want to urge, however, is that the sahuikars should take reasonable interest on loans advanced by them just as it is taken by the banks. I feel that the sahuikar is a fellow human-being and as such he deserves our sympathy and protection. If he is honest in his dealings we should certainly protect his interests. It is with a view to protect the interests of honest sahuikars as well as the afflicted debtors that we urge upon the Government not to sponsor haphazard laws on this subject but bring forward comprehensive measures which may meet all the requirements of the situation. If the Government does not realise its responsibility and does not take effective steps in the direction of providing a permanent relief to the agriculturist debtors the time will soon come when their own revenue will become impossible of realisation. The Government should, therefore, consult all its officers who are competent to give advice on this subject and with their help bring forward a comprehensive and complete measure in order to meet this grave situation. Many kinds of measures may be suggested for the present relief and future protection of the zamindar. I, for one, would heartily welcome a measure penalising excessive expenditure on marriages. I shall be very glad if no zamindar is allowed to spend more than six or seven rupees on the marriage of his son or daughter. Such laws, if passed, will do immense good to the province in general and the zamindars in particular. Need I emphasise once again that I am perfectly at one with

Mr. Manohar Lal when he says that the existence of honest money-lenders is useful, nay essential, for the society? Nor do I cherish any ill-will against the *sahukars* as a class. I simply want to put a curb on the activities of rapacious and dishonest *sahukars*. I hope we shall be able to show generosity to the honest *sahukars* in the select committee, and will so modify this Bill as to preclude all possibilities of injustice being done to them or to their trade, and at the same time protect millions of poor starving peasantry from the clutches of dishonest *sahukars*. With these words, Sir, I lend my support to the motion now before the House.

The Council then adjourned for lunch.

The Council re-assembled at 3 p. m. Mr. President in the Chair.

MOTION FOR ADJOURNMENT.

OCCUPIERS' RATE ON FODDER.

Khan Bahadur Sardar Habib Ullah (Lahore, Muhammadan, Rural), (Urdu): Sir, I move the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, *viz.*, to disapprove the action of Government in enhancing the occupiers' rate on fodder throughout the province..

Before inviting the attention of the House to the subject which I propose to discuss I think it necessary to express my regret at the inconvenience which I have caused the members by bringing forward this motion. My apology, however, is this that the circumstances are such that I cannot help bringing forward this motion. The enhancement of occupiers' rate on fodder is a matter of recent occurrence and has caused great hardship to the zamindars. I have taken, therefore, the earliest opportunity that offered itself to me to invite the attention of the Government to the great wrong which this new action of theirs has done to the zamindar population of the province. No sooner was the report of the *Abiana* Committee published than the Government passed a resolution enhancing the occupiers' rate on fodder. But my impression is that the Government have failed to grasp the exact sense of the recommendation of the *Abiana* Committee. I have received many letters from zamindars throughout the province who have strongly protested against this action of the Government. The Punjab Zamindars Union which is a representative body of zamindars and which has its branches extended all over the province, has sent me several letters urging that water rates on fodder have been enhanced in utter disregard of the local conditions. The Government would have never taken such a step, the zamindars think, if they had taken into consideration all the pros and cons of the problem. I had a mind to draw the attention of this House to one other matter of great importance besides the recommendations of the *Abiana* Committee, namely, the report of the Franchise Committee in this session and I had sent a letter to the Government requesting that a non-official day should be given for the discussion of the reports of both the aforementioned committees. But I am sorry that my request was not acceded to owing to some reasons and my letter, which I sent through you, Sir, was not even acknowledged. I had, therefore, no other alternative but to move the adjournment of the business of the Council.

[K. B. Sardar Habib Ullah.]

When the *Abiana* Committee was appointed many honourable members had dwelt at length on the difficulties of the zamindars in this period of general depression and I need not repeat, once again, what was said at that time on the floor of this House. They had made it clear that the zamindars expected practical proof of sympathy from the Government and could not be content with mere lip-sympathy. The Committee was appointed on the unanimous recommendation of this House. Its report has recently been published and the honourable members must have read it. The non-official members of the *Abiana* Committee recommended that a reduction to the extent of one crore of rupees should be made in *abiana*. If the Government may not be able to reduce their dues to the extent of one crore, they suggested, it should at least effect a reduction to the extent of 80 lakhs of rupees. While making this recommendation they made it abundantly clear that they would not be satisfied with anything less than that. They made out a very good case and adduced cogent arguments in support of their recommendations. We may have an opportunity of examining those arguments when the report of the *Abiana* Committee comes up for discussion before this House. The Committee, however, had expressed their willingness to recommend a slightly higher rate on fodder in the event of the Government's making a reduction in their demand to the extent of at least 80 lakhs. But just as has been the wont of the strong the Government have taken advantage of the first part of their recommendations and have conveniently ignored the second part, which makes the reduction of 80 lakhs of rupees a necessary condition to be fulfilled before the enhancement of the occupiers' rate on fodder. What the Committee had suggested was only this that the rise of rate on fodder from Re. 1-8-0 to Rs. 2 would not cause much hardship if a reduction to the extent of 80 lakhs is made in the Government dues. But the Government did not pay any attention to their recommendation with regard to the reduction in their dues and adhered to the proposal of the enhancement of rate on fodder. The recommendation of the Committee was in this way badly slighted. It is, however, to be noted that the opinion of one honourable member of the Committee was greatly honoured by the Government. It was Mr. Labh Chand who wrote that no reduction need be made in the Government dues and the Government thought that it was he only who could give them sound advice on agrarian matters and that the zamindar members showed hopeless ignorance of the conditions and requisites of the rural area. I am reminded of a sentence occurring in the holy book of Mussalmans the meaning of which are said to have been distorted in the same manner in which the Government have distorted the recommendation of the *Abiana* Committee.

The Qoranic verse reads something like this: "Do not stand in prayer while you are tipsy." Now a certain witty fellow who was constantly asked by his friends to say his prayers punctually would refer them always to the first half of this verse, that is, "Do not stand in prayer" and would adroitly leave out the second half which says that you are forbidden to stand in prayer while you are under the influence of some intoxicating drug. The recommendation of the Committee is couched in a single sentence and the Government cannot say that it has not been possible for them to keep in view all the implications of the suggestion. I am very sorry that the Gov-

erner in Council has accepted such a resolution which has been the cause of very great trouble for the poor zamindars.

It was not very difficult for the Government to see, that there was no reason for the zamindar members of the *Abiana* Committee to have proposed even a slight enhancement of the occupiers' rate on fodder if they had not cherished this hope that the Government dues would be materially reduced. Now a glance at the schedule reveals that whereas a reduction of Rs. 52 lakhs has been made, 17 lakhs have been realised by enhancing the fodder rate. This is, the zamindars rightly complain, no relief at all.

In 1924-25 which was quite a prosperous year the fodder rate was Rs. 8 per acre. But the zamindars felt that this was too much and they raised a great hue and cry against this excessive demand. The result was that a reduction of one rupee was made in it. Again in 1926-27 the zamindars complained that they could not pay even that much and a further reduction of one rupee was made in it and the rate was fixed at Rs. 1-8-0 per acre. Now these years were more prosperous than the present time and I fail to understand why the Government have thought it fit to enhance the fodder rate at such a time when the financial difficulties of the zamindars have reached their highest pitch. Let us examine the reasons of the Government for reducing their demand. They are enumerated in the Government's resolution and are as follows :—

His Excellency the Governor has been influenced by the following considerations—

- (a) primarily by the large drop in agricultural prices especially in prices of cotton and wheat ;
- (b) by the absence of any reliable indication that prices are likely to improve substantially in the near future ;
- (c) by the desirability of doing everything possible to prevent an undue fall in the standard of living ; and
- (d) by his desire once again to show his practical sympathy with the people in their gallant struggle against adverse circumstances.

These are the grounds why the Government thought fit to give certain measure of relief to the zamindar. I want to emphasise that the self-same reasons are equally present in the case of fodder too. I want to make it clear that the enhancement of fodder rate has not affected me or my friend the Nawab Sahib so much as it has affected the petty land-holder. The condition of the big zamindars is better, because the relief which they have got on precious crops like sugarcane or wheat amply compensates for the loss sustained in the shape of enhancement of proprietors' rate on fodder. It is, therefore, with a view to help the petty cultivator that I have brought forward this motion. The petty cultivator produces only as much fodder as is absolutely necessary for his cattle. He does not, and cannot afford to, grow fodder for making money by its sale. The big zamindar can afford to grow less fodder if he wills, because he can reduce the number of his cattle from, say, ten to five. But the poor cultivator cannot further reduce his pair of bullocks. Some people might suggest that the zamindar is in the habit of keeping a herd of unnecessary cattle for whom he has to grow fodder. But I assure them that things have changed now and the zamindar has only as many cattle as are absolutely necessary for him.

(At this stage the honourable member resumed his seat as his fifteen minutes were over.)

Sardar Bishan Singh (Sialkot-cum-Gurdaspur, Sikh, Rural, (Urdu) : Sir, the result of levying excessive rate on fodder would be to deprive the unfortunate zamindar of his scanty fare of milk, butter and curd. He keeps one or two milch cattle besides his pair of bullocks and it is for them that he grows some fodder. Now the present excessive rate on fodder will prohibit his growing fodder and in this way he will no longer be able to keep a cow or a buffalo. You know he is so poor that he cannot afford to have meat for his food. It is the milk and curd-milk got from his cattle that maintain his strength. If the prohibitive fodder rate is continued the zamindar will not be able to afford to keep a cow or buffalo and coarse dry bread will make him so weak that he will not be able to continue his agricultural occupation which requires much physical strength. It is really strange that the Government should have reduced the charges on sugarcane and wheat and should have increased the charges on another important produce. This is nothing short of giving with one hand and snatching away with the other. Moreover, it is highly anomalous to levy more rates on barley and *jari*, the food of cattle, than on wheat which is the food of man the noblest of God's creatures. I am afraid this enhancement of fodder rates will be a source of very great trouble to the zamindars and more particularly to the petty zamindars.

Khan Bahadur Nawab Chaudhri Fazl Ali (Gujrat East, Muhammadan, Rural) (Urdu) : Sir, I have stood up to point out to the Government that fodder is more valuable for the poor zamindar than the staple crops like wheat and barley. Wherever he goes the first thing which he wants to secure is fodder for his cattle. If no fodder is available he cannot carry on his agricultural occupation. Moreover, fodder is the only crop which is equally important for the rich and poor zamindars. The big zamindars, however, can afford to bear excessive charges on fodder because it is very easy for them to reduce the number of their cattle as my honourable friend Sardar Sahib suggested and thereby escape the extra burden. They can very easily reduce the number of their mares by four but such is not the case of a petty land-holder. He has a pair of bullocks without which he cannot do. Then there is his cow on which he depends for his curd-milk which constitutes the only sauce for his coarse bread. He has no *pulao* not even *dal* to eat along with his bread. It is the milk or curd-milk which keeps his appetite keen. If fodder is made very dear and rare on account of the prohibitive fodder rates he will have to go without meals. I hope the Government will realise that it has put the petty zamindar in a very bad position by taxing fodder so heavily.

There is one thing more which ought to be borne in mind in this connection. Fodder is a crop which is equally wanted all over the province. If it is heavily taxed the whole province has to suffer. On the other hand staple crops like rice and wheat are grown in certain areas and are not grown in certain other areas. Therefore any reduction in charges on those crops help only a limited number of cultivators. It is the paramount duty of the Government therefore to reduce charges on a crop that is of universal importance and thereby help all and sundry.

It is not of much value, furthermore, to reduce charges on precious crops like sugarcane. This is such a crop that the growers stand to gain a good deal out of it. Sometimes sugarcane yields hundreds of maunds of *gur*

and the cultivators are quite well off. But fodder is the concern of a poor peasant who sometimes has only one ox and yokes his cow with him in order to till his soil. Taxing fodder, therefore, will mean taxing the pocket of this poor man. One thing more is worth considering in this respect. *Kamins* and menials go to live in villages simply because they can keep a cow or buffalo there and fodder is to be got from the zamindar who gets his plough repaired or manufactured in return. If the fodder is made very dear and the zamindar is unable to provide it for the cattle of his *kamins* they will leave him and will not care to live in the village. And the zamindar is naturally unable to pay in cash for all the work which the *kamin* does for him. It is, therefore, necessary that fodder is not heavily taxed; otherwise it will result in incalculable hardship to the zamindar. This is my considered and honest opinion and I hope the Government will do the needful to remove this grievance of the zamindars.

Mian Nurullah (Lyallpur South, Muhammadan, Rural) (Urdu): Sir, it is very unfortunate that the non-official members of the *Abiana* Committee gave a hint that they will not object to a slight enhancement of the occupiers' rate on fodder. But the Government on their part have not acted judiciously by ordering an immediate enhancement of that demand. It may be recalled that after 1924 when *abiana* was increased to the extent of one crore of rupees. it was fodder on which the greatest amount of reduction was allowed as soon as opportunity arose. It was done under the impression that fodder was a very essential and important crop. It is a key crop. The Government should have thought a hundred times, therefore, before sanctioning this increase. The proposed enhancement of fodder rate is bad in principle also. It is not in accordance with the accepted theory of the Government that the price of water spent on a crop should be realised in any case. As we all know wheat requires five or six waterings before the crop matures and the sugarcane crop wants twice as many waterings as are necessary for wheat but the Government has in spite of all this thought it fit to reduce charges on these crops and enhance the rate with respect to fodder which requires half the amount of water as compared, with wheat. The Government ought to have borne in mind the hard fact that fodder is most essential for the cultivator. He in fact cannot carry on agricultural occupation if there is no fodder. More of fodder encourages the zamindar to keep more cattle and he gets very good manure out of their dung. This manure performs marvels with the crop of the zamindar. In this way the zamindar is enabled to reap good harvest and has more money to pay the Government dues. It is, therefore, not difficult to see that fodder helps the zamindar to a very great extent and is a very important instrument of production and should be treated as such. I should be very glad if the Government disencumbers fodder from all liabilities and makes it a free crop for the cultivator. If it is done I assure the Government that they will not lose anything but will have a great gain on account of this arrangement. But the Government seems to have developed a great liking for the policy of giving with one hand and taking away with the other. The locals of Lyallpur, Sheikhupura and Lahore districts who are commonly known by the name of *janglis* expressed their great dissatisfaction with this action of the Government. Living as these people are on the banks of the river Ravi they grow much fodder and breed cattle. Milch cattle provide them with milk and ghee.

[Mian Nurullah.]

It is by the sale of ghee that they generally pay their land revenue. If nothing else is available they can sell a cattle or two and pay up the Government dues. The Government have now made it difficult for those people to grow much fodder and keep a good number of cattle. Realisation of revenue from them would become a matter of difficulty.

Furthermore, it is the petty zamindar who has been the hardest hit on account of this enhancement of fodder rate. The big zamindar is not to lose much by this arrangement. He can very easily ask his tenants not to sow much fodder. And if they grow fodder he would make a proportionate charge on that crop and would not lose anything. The petty zamindars always complain, that the big zamindars who represent them in the Council pay no heed to their interests.

Now this is a reflection on all the members of the Council. It is, therefore, our bounden duty to strongly urge upon the Government that this unreasonable charge should be brought to its former level. It was the recommendation of the Crop Planning Conference also that charges on crops like fodder should be reduced and their cultivation should be encouraged. The Conference recommended, moreover, that cultivation of barley should be encouraged as against wheat. But the *Abiana* Committee has recommended a reduction of *abiana* in case of wheat and not on barley. In this way it is clear that the recommendation of the *Abiana* Committee relating to fodder is not very convincing.

I wonder who supplied facts and figures to the Government which made them think that it was proper to enhance the proprietor's rate on fodder. The state of affairs is such specially on Mailsi Canal that the zamindars are being made to pay Rs. 55 per khatauni as against the previous charge of Rs. 50 per khatauni. This is after a "reduction" in the Government charges. This is really strange. As you know, Lyallpur was and is still a most flourishing colony, the consumption of milk there is second to New York only. Excessive rates on fodder will considerably reduce the production of milk in Lyallpur and, as Sardar Bishen Singh pointed out, will have a very bad effect on the health of the people living there. It is, therefore, not proper that the enhanced rates on fodder should be continued.

With these words, Sir, I support the motion under consideration.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General)
(Urdu): Sir, I whole-heartedly support the suggestion that water rates now charged on fodder crops should be brought down to the level of water rates charged in 1927. Some of the honourable members who have preceded me have referred to the recommendation made by the *Abiana* Committee. As a matter of fact the Committee recommended that if a material reduction was made in water rates charged on wheat and cotton crops they would not object to some increase being made in water rates charged on fodder. Nobody ever thought that an increase to the extent of one rupee in water rates would be made. It was suggested that water rates on cotton should be reduced and water rates on fodder might be enhanced to some extent. The Government have readily accepted one part of this proposal and ignored the other part. I think that reduction ought to be made in water rates charged on fodder, for whatever is paid on that account should be considered an

item in the cost of production. Without cattle no cultivation is possible. If you continue to charge the present rates on fodder it will adversely affect the zamindar and reduce his margin of profit on all cultivation. It is really very useful for the zamindars to keep a large number of milch cattle. But even if they may not keep milch cattle it is essential to reduce the water rates now charged on fodder. I am quite at one with the honourable member representing Industries when he says that the condition of the zamindars cannot improve in the least unless they resort to some cottage industries. It is very difficult rather impossible to save the zamindars from the disastrous effects of the present general depression without asking them to resort to a cottage industry subsidiary to agriculture. The prices of wheat and cotton being very low the zamindars should take to producing more milk and ghee and that cannot be done unless they keep a large number of milch cattle. It would, therefore, be in the fitness of things that occupiers' rates should be reduced to the level of rates charged in 1927. With these few words I strongly support the motion now before the House.

Mr. E. Maya Das (Non-official, Nominated) : Sir, the resolution before the Council is about the one rupee which has been increased on fodder. I would like to see the area divided into two circles where fodder is sown. One circle comprising the lands nearer the towns where fodder is sold, including those villages where the people are able to sell milk and ghee. That I would like to see as one circle and the remainder as another circle. I shall confine my remarks to the first circle. I think that many of us will remember the speech made by the honourable member from Sheikhpura some months back in this Council. He pointed out how fodder was being sold from Rs. 10 to Rs. 15 a kanal. If that be so, can the people of that area really come forward and complain that this increase of Re. 1 is too much? And, Sir, what is true of Sheikhpura is true of the neighbourhood of every town because the townspeople must have the fodder and, therefore, they are prepared to pay for the fodder which they require for their animals.

It has been remarked by the mover of this motion that fodder is not a money-making crop. I beg to differ from him in this matter, for in the circle to which I have made reference I say that it certainly is a money-making crop whether you sell it direct or whether you feed the animals and sell the milk or make ghee out of the milk. To that extent it is a money-making crop. And another honourable member was pleased to ask, why a higher rate on oats? The reason is because oat is the finest fodder that you can get and, therefore, people are prepared to pay a higher rate for oats. I, therefore, beg to say that in the area where fodder can be sold, where it can be converted into milk and ghee the complaint against the increase is not a strong one. As regards the remaining area, as I am not acquainted with facts and figures I am not able to express an opinion now.

Chaudhri Allah Dad Khan (Ambala Division, North-East, Muham-madan, Rural) : Sir, the arguments in support of the motion are so poor that I cannot bring myself to support it. Besides I know that for me to support this motion would be highly injurious to the general body of zamindars and I shall give my reasons. The *Abiana* Committee in paragraph 89 of their report recommended that if Government was unable to find money otherwise then it could resort to an increase of *abiana* on fodder upto Rs. 2-8-0.

[Ch. Allah Dad Khan.]

The resolution of Government on paragraph No. 16 on page 34 of the *Abiana* Committee's report clearly says that Government has tapped all its resources and has strained itself to the utmost to save the last pie out of its income and with the utmost economy it has been able to spare only Rs. 36 lakhs. That cannot be an appreciable sum, and now when we are going to accept the recommendation of the *Abiana* Committee which said that an increase of the rate on fodder would give us an additional revenue of Rs. 16 lakhs, we can expect to have an appreciable sum of Rs. 53 lakhs and odd on the whole. With what face can honourable members now come and say that Government has not done anything and that full reduction has not been given? If Government is going to take the argument seriously, it will say, "let the rate remain as before; we are not going to give a reduction of Rs. 36 lakhs," that would deprive the zamindars of the advantage of having a reduction in the total *abiana* of Rs. 36 lakhs that they are now getting. The serious part of the thing is that the honourable mover of the motion has quoted a proverb and has brought the sacred Quran in his support but he has absolutely misapplied it. People say in the villages :

کنوار کے لئے موصل اور بندوق برابر ہیں

To a rustic there is no difference between a gun and a rice crushing club. Somebody says do not go to prayer when you are drunk, garbling the quotation. Now have the Government not given any remission in this case? Government have tried to meet the wishes of not only the *Abiana* Committee but of the general body of zamindars and have given a remission of Rs. 53 lakhs more or less of a permanent character. Now the honourable mover himself admits that he has financial interest in this motion. He says that he will be benefited by this motion, but not much. I request the Chair to exclude him, therefore, from taking part in the discussion of and voting on this motion. The Chair has already given a ruling that the member who has a personal financial interest in any matter before the House shall not partake in its discussion and voting on it.

Mr. President : Will the honourable member please quote the ruling to which he refers?

Chaudhri Allah Dad Khan : On a previous occasion when we were discussing.....

Mr. President : Will the honourable member please read the ruling? I do not want his version of it. It should be read.

Chaudhri Allah Dad Khan : I well remember that you quoted the instance of Parliament and said that in Parliament it is a rule that a member who has financial interest in a matter under discussion is not allowed to vote on a motion relating to such a matter.

Mr. President : If I recollect aright all I said at first was that no member having a direct pecuniary interest in any matter could vote upon it; but I added that I will give a considered ruling and I gave one the same day. According to that ruling pecuniary interest alone is not a disqualification.

Chaudhri Allah Dad Khan : I am coming to that. After that you said that a member personally interested was debarred from voting.

Mr. President : If the honourable member behaves like that I shall have to ask him to resume his seat.

Chaudhri Allah Dad Khan : I will leave this argument as you are not allowing me to explain it.

Mr. President : I am afraid I shall have to ask the honourable member, unless he asks the forgiveness of the House, to leave the House. I have asked the honourable member to quote my ruling but instead of doing that he is insisting upon his own version of it which is clearly incorrect.

Chaudhri Allah Dad Khan : I withdraw my remark.

When these gentlemen of the *Abiana* Committee made the recommendation and the Government has substantially accepted it, with what face can they now demand the Government to go back on the resolution which they have passed in the Executive Council and which has had the effect of relieving a great burden on the zamindars? The zamindars have known the benefits that have resulted to them and they have appreciated the action of Government in this matter. If the Government were to go back upon the resolution and annul the reduction of *abiana* the zamindar will put his own version on the Government's action and it would be very awkward for the Government to face the position. I do not think any zamindar has given authority to the honourable mover for his motion. He says he has received letters but not a single letter has been quoted before this House. He should have laid his cards on the table and should have said that the zamindars have expressed themselves in that way. He has not done that and he is, therefore, not justified in bringing this motion. If at all any zamindars advised any member of this House to raise the matter here they would have requested me rather than my honourable friend the mover. For I have constantly stood for their rights and they are well aware of it, whereas the honourable mover on three occasions in this House has spoken against the interest of the zamindars. I can quote those occasions. When the Shikar Act was being passed I opposed it and the honourable member supported it. But after the Act had been passed I know that the zamindars of the honourable member's constituency disowned him.

Mr. President : Order, order. The honourable member should not be personal. Will he please withdraw his remark?

Chaudhri Allah Dad Khan : Very well. I will withdraw it. Ask any zamindar what he says about the Shikari Act. The zamindars as a class dislike it.

Mr. President : The honourable member should speak to the motion relating to fodder and not discuss the conduct of the mover of the motion? I may warn him that he has not behaved quite properly to-day, and that I am not going to tolerate this any longer. He has no business to attack a member as he has done.

Chaudhri Allah Dad Khan : I have not attacked him. I was speaking about the Shikar Act to bring another argument.

Mr. President : Order, order. The honourable member is not the judge of his own faults. It is for the Chair to decide whether he has gone beyond the limits of propriety or not.

Chaudhri Allah Dad Khan : Sir—

Mr. President : The honourable member's time is up. So I cannot allow him to speak any more.

Chaudhri Allah Dad Khan : With these words I oppose the motion.

Mr. President : The honourable member has disobeyed the ruling of the Chair. I requested him to stop speaking but he did not care for my request. Under the circumstances I hold his conduct to be grossly disorderly and request him to withdraw from the Council.

The honourable member then left the Chamber.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural), (*Urdu*) : Sir, there is no doubt that the motion now before the House is of vital importance and as such it deserves careful consideration on our part. So far as I remember, the decision with regard to the enhancement of water rates on fodder was arrived at some three months ago and I believe the honourable mover served on the *Abiana* Committee.

Khan Bahadur Sardar Habib Ullah : No, I was not a member of the Committee.

Sardar Arjan Singh : Anyhow the arguments advanced in favour of the motion are weighty and convincing. It has been said that water rates charged on fodder crops should be taken to be included in the cost of production. There is no doubt about it. The zamindar has fallen on evil days and he should therefore be allowed to resort to some other subsidiary industry. He keeps milch cattle and produces milk and ghee. That is true. But I wonder when the members of the *Abiana* Committee knew that fodder was a dire necessity of the zamindars why they recommended that the occupiers' rates should be enhanced. And when the rates are enhanced they come forward with this adjournment motion to reduce these rates. Is it not blowing hot and cold in the same breath? Sir, as you know the zamindars of *barani ilaqas* are far more hard pressed than the zamindars of the canal irrigated areas but the former have not been granted any relief at all. When the water rates on fodder crops have been increased in pursuance of the recommendation of the *Abiana* Committee and when no specific reasons have been given for asking the Government to go against their decision I see no reason why I should support the motion under consideration. I therefore, oppose the motion.

Chaudhri Shah Muhammad (Sheikhupura, Muhammadan, Rural), (*Urdu*) : Sir, I rise to support the motion now before the House. The Government have been kind enough to make certain reductions in water rates charged on wheat and cotton crops, but the salutary effect of such reductions has been nullified by the enhancement of water rates charged on fodder crops. This enhancement of water rates has caused discontent, rather resentment amongst the zamindars and they have been constrained to think that whatever was given by one hand has been taken away by the other. Honestly speaking this enhancement has caused great dissatisfaction amongst the zamindars. In reply to the remarks made by my friend Mr. Maya Das I would submit that if we take into consideration the quantity of fodder produced and the price at which it is sold in cities and towns in the province we will find that such rates if charged on fodder grown in such places

would not work hardship on the zamindars of those places. But the enhanced water rates charged on fodder crops grown in rural areas are causing great hardship to the zamindars of those areas. I feel that in our zeal to help the zamindars we should not press unreasonable demands and thus make the position of Government awkward. But at the same time I also feel that Government should not hesitate to render reasonable assistance to the zamindars. Let the Government appoint tahsildars and naib-tahsildars to report how much fodder is produced and how much price is realised for it in cities and towns in the province and if some such rates are levied on such fodder, whether it will work hardship on people responsible for producing and selling fodder in such places. If that is done I am sure the report will be in favour of levying some such rates on fodder grown near cities and towns of the province. I, therefore, submit that there would be no harm if enhanced rates are charged on fodder grown in the neighbourhood of cities and towns to make up the deficiency caused in income by the remission granted in rates charged on wheat and cotton crops. But it is rather a sin to burden those who are already over-burdened. We should not add to their anxieties. There is already great scarcity of fodder in villages. Under the present circumstances an increase of a pie in water rates charged on fodder cannot be justified. The oxen of the zamindars are not properly fed for want of sufficient fodder and consequently the labours of the zamindars do not bear fruits which they ought to have borne otherwise. They cannot feed their cattle with grain or *bajra*. It is only fodder with which they feed their cattle. It would, therefore,

4 P.M.
be in the fitness of things to reduce the water rates now charged on fodder and that deficiency caused in income by the remission granted in *abiana* may be made up by levying enhanced rates on fodder grown in the neighbourhood of 184 towns in the province.

I am inclined to think that the members of the *Abiana* Committee acted in the same manner as members of various select committees act. They do not give much time and thought to the questions that come up before such committees and I will not be far wrong if I say that most of them append their signatures to the reports on being asked by a few of them. The members of the *Abiana* Committee or at least many of them appear to have acted in a similar manner and that is why this difficulty has arisen. If they had discharged their duty conscientiously this question would never have cropped up. However, I divide the motion now before the House into two parts and so far as the second part is concerned I give my whole-hearted support to it.

Sardar Bahadur Sardar Buta Singh (Multan Division and Sheikhpura, Sikh, Rural), (*Urdu*): I was very much wonderstruck to see the somewhat strange attitude which my honourable friend Chaudhri Allah Dad Khan, who claims to be a supporter of the cause of the zamindars, adopted with regard to this motion. I really fail to reconcile this attitude of his with the professions that he has been making ever since he joined us as a member of the Council. Coming to the question before the House I say that the remission that the Government has been pleased to grant to the zamindars ought to have been so distributed as to fully satisfy those for whom this remission in *abiana* was meant. To render help to a person or to a community is one thing and to strike its imagination by rendering such help

[S. B. S. Buta Singh.]

is another thing. To be very plain the Government has failed to strike the imagination of the zamindars by the help it has rendered them by this remission. As my friend Sardar Sahib remarked the Government has taken with the other hand what it had given with one hand and has thereby marred the good effect that the remission in *abiana* on wheat had produced on the zamindars. Not only that. The enhancement of occupiers' rate on fodder has created feelings of discontent and dissatisfaction amongst the poor zamindars and particularly the *kamins* in the villages who depend so much for their welfare on the fodder crops. I know it for a fact that the zamindars are surprised on this action of the Government. They are surprised because they cannot account for this serious mistake, as they consider it to be, in the presence of such high and capable officers at the disposal of the Government. It passes their comprehension why not only *jau* but *jau* also has been included in the fodder crops in regard to which *abiana* has been enhanced. I may inform the Government, if it is not already aware of it, that *jau* crop is generally cultivated in those plots of land which are very inferior and which are considered unfit for any other crop. And it is made use of as fodder and in many cases as grain also just before wheat matures and ripens. Therefore, the enhancement on fodder crops like these has been very keenly felt and widely resented.

It is now on the lip of every one that the zamindars should take to subsidiary industries by which they may be able to meet their requirements in times like these when there is so much slump and depression all over the world. I am in perfect agreement with those who advocate and advise this course for the zamindars of this province. But the pity is that these zamindars have so much sense of pride in them that they consider it beneath their dignity to take to poultry farming or dairy farming. I know that in England there is no farm to which either a dairy or poultry farm is not attached. But here in the Punjab the zamindars are too proud to take up these professions as even subsidiary industries. They say that to deal in eggs, etc., is the work of *Sansis* and other *kamins* and to sell milk is the work of the Gujjars alone. It is only the *kamins*, as I have already said, who benefit by these professions. But these *kamins* too will not find these professions very profitable now when the occupiers' rate on fodder crops have been enhanced. The Government by its action has in a way discouraged these industries and it will, therefore, do well if it reduces these rates again and brings them down to their previous level. I will be excused repetition, but I cannot help saying it once again that this enhancement has been very keenly felt and it would have been more politic and more wise if the Government had not taken this step. If it had decided to remit only 35 or 36 lakhs of rupees, it could have allowed remission in *abiana* on wheat to a smaller extent. But it is not a good policy to remit *abiana* on wheat to the extent to which it has been remitted and to make up the loss by increasing the rates on fodder crops. The Government should have acted in a manner, in granting any remission, as to do the greatest good to the greatest numbers. That would have saved it from all criticism and the zamindars would have also been satisfied.

Before I close my remarks I would like to say that my honourable friend from Hoshiarpur does not appear to have carefully read the wording of the

motion before the House nor has he understood its import. If he had carefully read it and tried to understand it, I am sure he would never have got up to say that the Government has done the right thing in enhancing the occupiers' rates on fodder crops. I may also say a few words in reply to one remark of my friend from Sheikhpura. He has been pleased to suggest to the Government that the rates on fodder crops grown in the neighbourhood of cities and big towns can be safely and justifiably increase because, as he said, such crops sell at a very high price in the cities. May I ask whether such crops sell at a very high price at Sheikhpura? Certainly not. Barring, of course, a few cities like Lahore and Amritsar and perhaps Gujranwala, there is no other city or big town where fodder sells at a very high price and, therefore, the Government will not be justified to increase the occupiers' rates on fodder crops in places in the neighbourhood of cities in order to reduce them at places far away from such cities. With these words I give my whole-hearted support to the motion moved by my honourable friend from Lahore.

The Honourable Sir Miles Irving (Revenue Member): I feel that Government has cause to complain at the form in which this motion is put which is to disapprove of the action of Government in enhancing the occupiers' rates on fodder throughout the province, because it entirely conceals from the public view, even from the view of this House, that that enhancement is part and parcel of a general and I think generous reduction of *abiana*. Any one might think that at this time of emergency Government has suddenly without rhyme or reason run up fodder rates, whereas this action is only a part of the general reduction and has been taken with the very good purpose of making that reduction go as far as possible. The problem may be reduced to a somewhat simple one. Government had to accept the situation that it had only something like 96 lakhs. That is what has been put before us by the financial advisers of Government. That has been fixed as the vital limiting factor. The sole thought of Government was how to give the greatest good to the greatest number. Honourable members who have read this report of the *Abiana* Committee and the Resolution of Government will see that Government had placed before it three schedules, three different ways of distributing this money, one was that fodder should be unchanged, the second that fodder should be raised to Rs. 2, and the third that fodder should be raised to Rs. 2-8-0. Now, had the views now expressed in this House been before the Government, and had they been accepted on that occasion, the effect would have been that there would have been a reduction in wheat of ten annas as against one rupee. That was really the main question. Is it better for the people at large to get a rupee on wheat counterbalanced by the rise in fodder or to get ten annas on wheat and not have fodder touched? After all the person who grows fodder is the same person who grows wheat. If he gains in the whole transaction, it is but little unreasonable of him to say "Well, never mind about that rupee you give on wheat; what about my fodder?" In point of fact in this particular harvest we have calculated that the zamindar has been given 26 lakhs on wheat and he has had taken away from him 6 lakhs on fodder. Government may have with one hand taken away while it gave something with the other hand. But the hand with which it gave was much fuller than that with which it took away.

[The Hon'ble Sir Miles Irving.]

On the actual merits of the case, Government has been very much interested in the views which have been expressed. Here are three schedules. If it appeared to Government that really in the interest of the zamindar schedule I is better whereby Government shall give him 10 annas on wheat and give him nothing on fodder, it will not be impervious to that argument. But it appeared to Government that in certain areas fodder is often a very paying business and it also appeared that there was good reason to believe that even outside these areas trade in ghee, milk and bred of cattle was a paying one and that therefore those who did that business could very well pay a good price for fodder. Honourable members will remember that when the rates on fodder were put down those were times when Government could get what it liked on wheat as the prices of wheat were soaring and it was not necessary for Government to squeeze fodder. As a matter of fact it has somewhat surprised the Government that the reduction of rates on fodder has not caused any increase in the area under it. The area under fodder remains the same.

Therefore, for these reasons we thought—we may be right or wrong—that if we took the position of the ordinary man who grows so many kanals of wheat, so much of fodder, so much of cotton he would get the best out of the money we gave him if we gave it in wheat and took it from fodder, but we are not impervious to further arguments. But Government cannot accept this motion which is in the form of a censure and therefore, I am bound to oppose it. I am very much interested in the views expressed and I shall certainly bear them in mind.

Mr. Labh Singh : May I request you that you will be pleased to cancel the order of expulsion passed on Chaudhri Allah Dad Khan as the same is being felt by him and others as being rather harsh? I was not present in the House when the incident took place; but I have taken it upon myself to ask for your indulgence.

Mr. President : If the honourable members of the House wish that he may be forgiven, I have no objection.

(The wish of the House being expressed by voices that he may be forgiven—Chaudhri Allah Dad Khan entered the Chamber amidst applause.)

Khan Bahadur Sardar Habib Ullah (Urdu) : I was very sorry to hear from the Honourable the Revenue Member that three schedules were appended to the report of the Abiana Committee and that the zamindars were at liberty to select any one of them for adoption by the Government. I very much liked to discuss this question in my first speech, but for want of time I could not do so. I may however say that even if the selection of any one of the schedules depended upon the zamindars, I for one could not advise the zamindars which is the best to be selected. I am inclined to think that even other members of the Council, laymen as they are, could not tender any useful advice on the point. It is after all for the experts of the Government to play with the figures, which may after all be wrong. It was, therefore, not proper for the Honourable Revenue Member to take shelter behind this argument.

I say, if the Government had definitely decided to grant relief to the zamindars to the extent of 35 lakhs only why did it remit as much as 52 lakhs in the first instance and then want to take back in the form of enhanced occupiers' rates as much as 17 lakhs from the fodder crops? It would have been much better if it had remitted only 35 lakhs in the very beginning and thus avoided this question being raised in this way. As I have said before, the enhancement of the occupiers' rates on fodder crops has produced a very bad effect on the minds of the zamindars in general. I fail to find words to express the bad effect that it has produced. I have been told that on account of this enhancement many zamindars have been made to pay more than they had to pay even if the remission in *abiana* on wheat had not been granted. The case of the zamindars on the Mailai Canals is in point.

Mr. President : This has been said already.

Khan Bahadur Sardar Habib Ullah : I only wanted to emphasise that many zamindars on other canals also have been made to pay Rs. 15 or to take a very conservative estimate, Rs. 12 on account of this enhancement where they used to pay Rs. 10 only before. Again, Sir, I want to ask one very relevant question from the Government. What right the Government had to charge enhanced rates on fodder crops without due notice?

The Honourable Sir Miles Irving : This point was not raised in the debate and so I could not reply to it.

Mr. President : No new point should be raised in reply.

Khan Bahadur Sardar Habib Ullah : My point is to show where the harshness has occurred.

The Honourable Sir Miles Irving : On a point of order. That is a very important point and it was not raised in the debate and I, therefore, could not reply to it.

Khan Bahadur Sardar Habib Ullah : With the permission of the Chair the Leader of the House can answer to this point now.

Mr. President : Yes, he has a right of reply.

Khan Bahadur Sardar Habib Ullah : What I wanted to make clear is that if the Government had given due notice with regard to the enhancement of these rates on fodder crops, it is very probable that the zamindars would not have sown as much fodder crop as has been sown now. Without such a notice the Government had no justification whatever to charge enhanced rates. It is, therefore, only reasonable for the Government to reduce those to their previous level. I do not think it will be very difficult for the Government to do so and to make a further provision of 17 lakhs for bringing down these rates. If there is no other source to look to, it can reduce the expenditure on the Irrigation Department which, as it has itself admitted, gone up very high during the course of the last few years. We know that Government has given reasons for this increase in

[K. B. Sardar Habib Ullah.]

expenditure, but I believe that there is much scope for reducing them in order to give much needed relief to the zamindars. With regard to the remarks of the honourable member from Hoshiarpur I think it will suffice to say that by opposing this motion he has betrayed his gross ignorance of the facts relating to the question under consideration. He has neither studied the report nor listened to the debates of the House. With these words I commend this motion for the acceptance of the House.

The Honourable Sir Miles Irving : I will endeavour to be as brief as possible and to confine my remarks to what has fallen from the honourable member in his concluding speech. He referred to the Mailai Canals. As a matter of fact on non-perennial canals on the Lower Sutlej Valley Project we actually did find that this distribution had worked out in an exceptional way and that the people were paying more than they did before and therefore we at the last moment postponed the revision for the present *rabi* and we are having new rates under consideration for those non-perennial canals. I must refer to a point the honourable member made, that these rates on fodder were raised without notice. I will refer to the terms of reference to the *Abiana* Committee, that they were to find means of readjusting rates. Readjusting means, if necessary, raising as well as lowering and as I have already explained Government found that so much money had to be found and in the opinion of its advisers the most profitable way of finding it from the point of view of the zamindar was by a reduction of the rates on wheat and other crop and by an enhancement of those on fodder, and it was fortified in that method of dealing with the situation by the opinion of the Committee which has said that in certain circumstances a general reduction may be accompanied by an enhancement on fodder. Now, therefore the total scheme must stand as a whole and that scheme had to be introduced at once, not merely because of the members of the *Abiana* Committee most pressing that it should be introduced at once, but also because in the course of the debate in this House I gave an assurance that it would be introduced with effect from this *rabi*. If therefore that promise has to be carried out, if this assurance were to be fulfilled the whole scheme had to be introduced at once including a certain portion of reduction. I come finally to the real meaning of this debate. The motion is, as I have said, to disapprove the action of Government in enhancing the occupiers' rate on fodder in this province. I have explained that Government was tied to 86 lakhs and I am afraid my honourable colleague who sits on my left can give countenance to no suggestion that 5 or 6 lakhs more should be produced. As a matter of fact 17 lakhs more ought to be produced. Therefore that is the position we are in and if you look at that position the only meaning of the motion would be that you accept Schedule I, i.e., only a ten annas reduction on wheat and no enhancement on fodder and that advice the honourable member is not prepared to give to me. Therefore I think we have had a very interesting debate and it may now draw to a close.

Mr. President : Question is—

That the Council do now adjourn.

The Council divided : Ayes 33 : Noes 25.

AYES.

Bahadur Khan, Sardar.
 Balbir Singh, Rao Bahadur Captain
 Rao.
 Bhagat Ram, Lala.
 Bishan Singh, Sardar.
 Buta Singh, Sardar Bahadur Sar-
 dar.
 Chhotu Ram, Rao Bahadur Chau-
 dhri.
 Faqir Hussain Khan, Chaudhri.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Habib Ullah, Khan Bahadur Sar-
 dar.
 Haibat Khan Daba, Khan.
 Kesar Singh, Rai Sahib Chaudhri.
 Lekhwati Jain, Shrimati.
 Malak, Mr. Muhammad Din.
 Mohan Singh, Sardar Bahadur Sar-
 dar.
 Mubarak Ali Shah, Sayad.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Amin Khan, Khan
 Bahadur Malik.

Muhammad Eusooof, Khwaja.
 Muhammad Hayat Qureshi, Khan
 Bahadur Nawab Mian.
 Muhammad Raza Shah Gilani,
 Makhdumzada Sayad.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfaraz Ali Khan,
 Raja.
 Mukand Lal Puri, Mr.
 Narendra Nath, Diwan Bahadur
 Raja.
 Noor Ahmad Khan, Khan Sahib
 Mian.
 Nur Khan, Khan Sahib Risaldar
 Bahadur.
 Nurullah, Mian.
 Pandit, Mr. Nanak Chand.
 Raghbir Singh, Honorary Lieute-
 nant Sardar.
 Sampuran Singh, Sardar.
 Shah Muhammad, Chaudhri.
 Ujjal Singh, Sardar Sahib Sardar.
 Umar Hayat, Chaudhri.

NOES.

Anderson, Mr. J. A.
 Arjan Singh, Sardar.
 Askwith, Mr. A. V.
 Boyd, The Honourable Mr. D. J.
 Fazl Ilahi, Khan Sahib Shaikh.
 Ferguson, Mr. J. A.
 Firoz Khan Noon, The Honourable
 Malik Sir.
 Garbett, Mr. C. C.
 Ghani, Mr. M. A.
 Gokul Chand Narang, The Honour-
 able Dr.
 Grindal, Mr. A. D.
 Hearn, Mr. J. W.
 Janmeja Singh, Captain Sardar
 Bahadur Sardar.

Jogendra Singh, The Honourable
 Sardar Sir.
 Labh Chand Mehra, Rai Sahib, Lala.
 Latifi, Mr. A.
 Mayadas, Mr. Ernest.
 Miles Irving, The Honourable Sir.
 Murphy, Mr. A.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Ram Singh. 2nd-Lieutenant Sardar
 Sanderson, Mr. R.
 Sheo Narain Singh, Sardar Bahadur
 Sardar.
 Wace, Mr. F. B.

The Council then adjourned till 9-30 A. M. on Thursday, the 28th June 1934.

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PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Thursday, 28th June 1934.

The Council met at the Legislative Assembly Chamber, Simla, at 9-30 A. M. of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

KHADDER BRANCH OF THE PAKPATTAN CANAL.

***3435. Khan Bahadur Mian Ahmad Yar Khan Daulatana :** Will the Honourable Revenue Member be pleased to state—

- (a) the date on which the tail, Allaabad and Ghulamwah Distributaries of the Khadder Branch were opened for the first time during the present season ;
- (b) the quantity of water required for running these channels in full supply respectively ;
- (c) the number of days for which the three distributaries ran upto the 15th of June, 1934 ;
- (d) the average supply per day allotted to these distributaries during the period that they ran in the present season ?

The Honourable Sir Miles Irving : (a) 28th April.

(b) 161, 91,186 cusecs, respectively, at share supply.

(c) 10, 11, 12 days, respectively.

(d) 84, 57, 139 cusecs, respectively.

AZAN IN GOVERNMENT BUILDINGS IN THE EDUCATION DEPARTMENT.

***3436. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that *azan* is called in the boarding house of the Gujrat College, a Government building ;
- (b) whether *azan* is allowed in Government buildings in the Education Department ?

The Honourable Malik Sir Firoz Khan Noon : (a) No.

(b) No general orders have been issued by Government in the matter. I would request the honourable member to ask some friend to explain to him the meaning of the *azan* and then to let me know whether he still entertains a hostile feeling towards it.

HINDU WATER MAN FOR THE GUJRAT COLLEGE.

***3437. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that the only non-Muslim manial in the Government College, Gujrat, was turned out on the ground of his being a junior man, when a post was reduced by the Government in April last ;

[R. B. Lala Sewak Ram,]

- (b) whether it is a fact that when the Hindu staff represented to the Principal the difficulty that they and the non-Muslim students had to suffer during the summer in the matter of water supply and the supply of other needs of the Hindu staff during College hours, the Principal did not pay heed to their representation ;
- (c) whether the Government propose to take steps to appoint a whole-time Hindu water-man for the Gujrat College ?

The Honourable Malik Sir Firoz Khan Noon : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

GOVERNMENT COLLEGE, GUJRAT.

***3438. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that M. Chiragh-ud-din, a teacher in the Gujrat College, was absent from the college on 2nd January 1932, the day following the Christmas holidays, and that his absence on that day was treated as casual leave ;
- (b) whether it is a fact that Lala Kanshi Ram, a professor of the College, took leave for one day in continuation of Christmas holidays of 1932 and that it was treated as privilege leave ;
- (c) if the answers to above are in the affirmative, the reason why in one case it was treated as casual leave and in the other as privilege leave ?

The Honourable Malik Sir Firoz Khan Noon : (a) No. M. Chiragh-ud-din attended college on 2nd January, but as he was unwell he was permitted by L. Sri Krishan Kapur (Principal) to go home at 11 A. M.

(b) Yes. L. Kanshi Ram Narang was granted privilege leave for the 4th January and allowed to combine it with the Christmas holidays, the intervening Sunday, the Proclamation Day and Guru Gobind Singh's Birthday. He could not under the rules be granted casual leave.

(c) Does not arise.

WHEAT CROP IN THE ILAQA BEIT.

***3439. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Member for Revenue kindly state—

- (a) whether the Government is aware of the fact that the yield of wheat crop this year is much below the average in the *ilaqa* Beit of tahsil Nawanshahr and tahsil Garhshankar ;
- (b) whether it is a fact that the suspended land revenue demand for the last *kharif* is being realised along with the *rabi* instalment of land revenue ;
- (c) whether the Government is prepared to grant some concessions to the zamindars regarding the payment of land revenue ?
If not, why not ?

The Honourable Sir Miles Irving : The required information is being collected and will be supplied to the honourable member when ready.

M. MUHAMMAD HUSSAIN HAKIM, PRINCIPAL, GUJRAT COLLEGE.

***3440. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that M. Mohammad Hussain Hakim, the Gujrat College Principal, is a local man ;
- (b) whether Government will state their policy regarding the posting of high Government servants in their native districts ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) So far as the inspecting staff is concerned it is the normal policy of Government not to post them to their home districts, but this policy is not applied in the case of the teaching staff. On the contrary, it is a distinct advantage if the head and the teaching staff of an educational institution have local influence.

Rai Bahadur Lala Sewak Ram : Is the Honourable Minister aware that this is not done in other departments ?

The Honourable Malik Sir Firoz Khan Noon : I was only talking of the teaching staff and not of the other departments. There is a lot of difference between a police officer, for instance, and a schoolmaster.

LAHORE QUTAB ICE FACTORY.

***3441. Chaudhri Allah Dad Khan :** With reference to the answer to unstarred question No. 6811, will the Honourable Minister for Local Self-Government be pleased to state whether the Municipal Engineer, Lahore Municipality, inspected the Qutab Ice Factory during the summer of 1933, and, if so, whether in his opinion the factory was a nuisance to the neighbourhood, or not ? If he found the factory to be a nuisance to the neighbourhood, what steps have so far been taken by the Municipal Committee or the Government to save the neighbours from the existing trouble caused by this factory ?

The Honourable Dr. Gokal Chand Narang : The Municipal Engineer inspected the Qutab Ice Factory on the 28th June 1933. He found it to be a nuisance to the neighbourhood. The factory's licence was accordingly not renewed for 1933-34.

LOSS OF A GOLDEN ORNAMENT ON THE RAILWAY PLATFORM, LAHORE.

***3442. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that one Nur Ahmad of the Empire of India Life Assurance Company submitted an application to the Assistant Inspector-General of Police (Railway) with regard to the loss of a golden ornament on the railway platform, Lahore, on the night of 27th February 1934 ;
- (b) whether any inquiry has been made ?

The Honourable Mr. D. J. Boyd : (a) and (b) Yes.

PRODUCE OF *rabi* IN HOSHIARPUR AND LUDHIANA DISTRICTS.

***3443. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) what has been the produce of *rabi* this year in Hoshiarpur and Ludhiana districts as compared with that of the years 1931 and 1932 ;
- (b) whether the produce of *rabi* is less than that of the year 1931-32 ;
- (c) what remission has been proposed in both the districts this year ?

The Honourable Sir Miles Irving : (a) The returns for *rabi* 1931-32 and 1932-33 will be found by the honourable member in the Season and Crop reports for those years and that for 1933-34 in the report shortly to be published.

(b) As far as wheat and gram are concerned, the area matured is greater than in 1932-33, but less than in 1931-32.

(c) No remission has been proposed in these districts with the exception of special remission of Rs. 4,579 made on account of damage to crops caused by hail in Garhshanker tahsil of the Hoshiarpur district.

PATWARIS IN TAHSIL DASUYA.

***3444. Chaudhri Afzal Haq :** Will the Honourable Member for Revenue be pleased to state—

- (a) the number of patwaris community-wise in tahsil Dasuya, district Hoshiarpur, who have been punished in the years 1931, 1932 and 1933 ;
- (b) who was the revenue assistant in Dasuya tahsil in those years ?

The Honourable Sir Miles Irving : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

COMMUNAL REPRESENTATION IN THE SERVICES.

***3445. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) how many times in the years 1931 and 1932 the Governor in Council met to consider the question of communal representation in the services ;
- (b) whether he will lay on the table the instructions issued to the heads of departments for recruitment of the different communities ;
- (c) whether he will make a statement as to the steps taken by the Government to make up the deficiency of the different communities in the different departments ?

The Honourable Mr. D. J. Boyd : (a) It would not be in the public interest to disclose the information asked.

(b) and (c) The policy of Government was enunciated by the Honourable Member for Finance on the 19th July 1927 in this House,—*vide* pages 873 to 877 of the Punjab Legislative Council Debates from 18th July to 25th November 1927—Volume X-B. That policy is still being pursued.

COMMUNAL REPRESENTATION IN THE SERVICES.

***3446. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) what steps he has taken to make up the deficiency of various communities with regard to the representation in services in the departments under his control ;
- (b) whether he is prepared to make any statement with regard to the progress made in making up the deficiency in respect of communal representation in the services since he has taken the charge of the office ?

The Honourable Mr. D. J. Boyd : (a) None. The responsibility for ensuring that no one class or community predominates unduly in any department is primarily that of the head of the department. If the honourable member can indicate any instance in which this responsibility has obviously not been fulfilled, I shall be glad to make enquiries.

(b) I may remind the honourable member that I have been in charge of my present office for rather less than two months.

COMMUNAL REPRESENTATION IN THE SERVICES.

***3447. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) what steps he has taken to make up the deficiency of various communities with regard to the representation in the services in the departments under his control ;
- (b) whether he is prepared to make any statement with regard to the progress made in making up the deficiency in respect of communal representation in the services since he has taken the charge of his office ?

The Honourable Sir Miles Irving : (a) The policy of Government was stated by the Honourable Finance Member in a debate in the Legislative Council on the 19th July, 1927. This is still the policy of Government, and Government will continue to carry out the requirements of the formula contained in the said statement of policy.

(b) Government thinks that the labour of collecting the information for the brief period mentioned would be out of proportion to its value.

COMMUNAL REPRESENTATION IN THE SERVICES.

***3448. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) what steps he has taken to make up the deficiency of various communities with regard to the representation in the services in the departments under his control ;
- (b) whether he is prepared to make any statement as to the progress made in making up the deficiency since he has taken charge of his office ?

The Honourable Dr. Gokul Chand Narang : (a) The policy of Government regarding the maintenance of the communal balance in services,

[The Hon. Dr. Gokal Chand Narang.]

as explained by the Honourable Finance Member in his statement made in the Punjab Legislative Council on the 19th July 1927, is being adhered to.

(b) Within the short time available since the receipt of the notice of this question it has not been found possible to prepare a statement, but the honourable member's attention is invited to the Consolidated Statement showing the proportionate representation of the various communities in different Departments of the Punjab Government published annually.

MONOPOLY FOR PLYING LORRIES ON HIRE.

***3449. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) the number of districts where monopoly is given to a single company or firm for plying lorries on hire ;
- (b) for how long one company or firm has held the licence in each district ;
- (c) whether the Government intends to cancel such licences and issue licences without monopoly ?

The Honourable Sir Miles Irving : The required information is being collected and will be communicated to the honourable member when ready.

HUNGER STRIKE IN LAHORE CENTRAL JAIL.

***3450. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the prisoners in the Lahore Central Jail went on hunger strike about the middle of the month of May 1934 ;
- (b) the cause of the hunger strike ;
- (c) whether any member of the Council visited the jail and made a report on the event and whether he will lay that report on the table ;
- (d) whether the grievances of the prisoners have been removed ?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) They went on hunger strike as a protest against the holding of food parade in the manner prescribed by paragraph 591 of the Punjab Jail Manual.

(c) No such report has been received.

(d) The prisoners had no legitimate grievance and gave up the hunger strike.

NEWSPAPERS IN THE PUNJAB.

***3451. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased —

- (a) to lay on the table a statement showing—
 - (i) the number of monthly magazines published in the province in the years 1922 and 1932 ;
 - (ii) the number of weekly papers in the province in the years 1922 and 1932 ;

(iii) the number of dailies in the province in the years 1922 and 1932 ;

(b) to state whether Government is financing any paper in the province ?

The Honourable Mr. D. J. Boyd : (a) (i) One hundred and fifty and 268.

(ii) Eighty-one and 203.

(iii) Thirty-nine to 45.

(b) No.

DETENUES IN THE PUNJAB JAILS.

***3452. Chaudhri Afzal Haq :** Will the Honourable Member for Finance be pleased to state—

(a) the number of detenues in the Punjab Jails from other parts of the country ;

(b) whether the Government has received complaints with regard to their health and treatment ;

(c) how many of them have applied for transfer from the Punjab jails ;

(d) what steps have been taken on their applications ?

The Honourable Mr. D. J. Boyd : (a) Three.

(b) Yes.

(c) One.

(d) The application was rejected by the Government of Bengal.

PERSONS SHADOWED BY THE POLICE.

***3453. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

(a) the number of persons in the province who are shadowed by the police ;

(b) whether the Government have received complaints from time to time that police officers harass certain political workers ;

(c) if so, whether the Government propose issuing instructions to the police officers for not harassing political workers ?

The Honourable Mr. D. J. Boyd : (a) It is not in the public interest to give this information.

(b) Yes.

(c) The police already have instructions to this effect.

POLITICAL OFFENDERS.

***3454. Chaudhri Afzal Haq :** Will the Honourable Member for Finance be pleased to—

(a) state whether it is a fact that all the political offenders are kept in cells under the last year's instructions of the Inspector-General of Prisons ;

(b) place on the table of the House those instructions stating to which class of prisoners those instructions apply ;

[Ch. Afzal Haq.]

- (c) state what necessitated the Government to confine a certain class of political prisoners to be kept in separate cells?

The Honourable Mr. D. J. Boyd : (a) No.

(b) The orders are of a confidential nature, and it is not in the public interest to disclose them. They apply to those prisoners who have been connected with the terrorist movement.

(c) Mainly to prevent them from contaminating young and impressionable prisoners with their ideas.

CONTROVERSY BETWEEN LAHORE ELECTRIC SUPPLY COMPANY AND LAHORE MUNICIPAL COMMITTEE.

***3455. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that a controversy is going on for a fairly long time between the Lahore Electric Supply Company and the Lahore Municipal Committee;
- (b) whether it is a fact that the District Magistrate, Lahore, promulgated an order, under section 144, Civil Procedure Code, prohibiting the Electric Supply Company from refusing electric supply to Lahore Municipal Committee;
- (c) for how long the tussle between the Municipal Committee and the Electric Supply Company has been going on;
- (d) why Government did not take early steps to amicably settle the matter?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Yes. On the 12th May 1934.

(c) Relations between the Municipal Committee and the Electric Supply Company have for some years been strained. Their disputes were discussed in detail in Chapter XI of Part I of the Report on the Affairs of the Municipal Committee of Lahore (1931). A reference is invited particularly to paragraph 128 in that chapter. The particular dispute to which publicity has been given in the press, regarding the terms of the new contract between the two bodies, may be said to date from the 19th April of the present year, when the Municipal Committee first made its suggestions to the Lahore Electric Supply Company, Ltd., regarding the terms of the new contract.

(d) The matter was primarily one for adjustment between the municipal body and the licensee-company. The district officers and the local Government, however, throughout maintained a close watch over the progress of the negotiations between the parties, and after inviting the representatives of the parties to a conference on the 14th of June 1934 assisted in securing agreement between them which it is anticipated will be confirmed by the two bodies concerned.

CUT MOTION REGARDING LAND REVENUE DEMAND.

***3456. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Member for Revenue kindly state—

- (a) what action has been taken on the cut motion reducing the land revenue demand by 25 per cent. carried by a majority of votes at the last Budget Session of the Council ;
- (b) whether 25 per cent. reduction has been allowed in the land revenue demand for the present *rabi* crop ? If not, why not ;
- (c) whether the Government propose to give effect to this cut at the time of the next crop ? If not, why not ?

The Honourable Sir Miles Irving : (a) and (b) Government were unable to agree with the necessity of a general reduction of 25 per cent. in the land revenue demand. They have, however, followed their accepted policy of giving special remissions on account of low prices.

(c) The question whether any reduction or remission at the next harvest is necessary will be considered in due course on its merits.

WHEAT CROP.

***3457. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Member for Revenue kindly state—

- (a) whether the Government is aware of the fact that the yield of wheat crop this year is about $\frac{1}{3}$ rd less than the average yield ;
- (b) whether the Government has reduced the land revenue demand in proportion to the reduced yield of the wheat crop ;
- (c) whether the zamindars are entitled to any reduction of land revenue ; if so, what concession Government has granted to the zamindars ?

The Honourable Sir Miles Irving : (a) The statement appears to be correct with regard to certain unirrigated tracts in the Jullundur and Ludhiana districts.

(b) No.

(c) Remission of fixed land revenue is determined by a variety of considerations relating to each estate and not solely by the yield of one crop in a single harvest ; and Government has no reason to believe that the case has not been properly dealt with by the local officers.

RIOTS IN CONNECTION WITH THE *TAZIA* PROCESSION.

***3458. Chaudhri Muhammad Abdul Rahman Khan ;** Will the Honourable Member for Finance kindly state—

- (a) the names and number of places where riots took place in connection with the *tazia* procession this year ;
- (b) whether the Government is prepared to issue stringent instructions to the local officers for the prompt suppression of all such outbreaks. If so, when ? If not, why not ?

The Honourable Mr. D. J. Boyd : (a) One, *viz.*, Jaijon, Hoshiarpur district.

(b) Instructions for dealing with such outbreaks already exist, and the issue of supplementary instructions does not appear necessary.

MOTOR LORRIES BETWEEN HOSHIARPUR AND BHARWAIN OF UNA.

***3459. Chaudhri Afzal Haq :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether it is a fact that a single firm has got the monopoly of running motor lorries between Hoshiarpur and Bharwain and Una ;
- (b) why the license is issued to only one company ;
- (c) whether it is a fact that many other persons applied for license who even offered better terms ;
- (d) if so, whether the Government intends to cancel the present license and to give license to companies or firms without any one holding a monopoly ?

The Honourable Sir Miles Irving : (a) Yes.

(b) The roads are dangerous and unfit for unrestricted motor traffic.

(c) Yes.

(d) No.

ASSISTANT SURGEONS.

***3460. Chaudhri Riasat Ali :** Will the Honourable Minister for Education please state—

- (i) whether 20 assistant surgeons were recruited in 1930 ;
- (ii) whether the posts were advertised as permanent ones ;
- (iii) whether it was mentioned in the letters of appointment that these people were taken in the permanent cadre and would be on probation for a period of 2 years ;
- (iv) whether that period has already elapsed ;
- (v) whether they have been confirmed in their appointments ;
- (vi) if not, why not ;
- (vii) whether similar vacancies have been filled in 1932 and 1934 ;
- (viii) if so, on what conditions ;
- (ix) whether there is any provision for the temporary assistant surgeons in the cadre now ;
- (x) whether any of these doctors have earned their first increment ;
- (xi) whether Government is prepared to consider the question of their confirmation ?

The Honourable Malik Sir Firoz Khan Noon : (i) to (iv) The reply is in the affirmative.

(v) A notification confirming these assistant surgeons is likely to be issued shortly.

(vi) Does not arise.

- (vi) Yes.
- (vii) The conditions were the same as in 1980.
- (ix) No, but it sometimes becomes necessary to fill an appointment which has been sanctioned for a certain specified length of time only, and which is not of a permanent character.
- (x) The assistant surgeons recruited in 1980 and 1982 have earned their first increments. These increments are being allowed them.
- (xi) Those officials who were appointed after 31st December 1980 cannot, according to Government orders in connection with retrenchment, be confirmed for the present in the Government service. They will continue to be shown as officiating so long as these orders remain in force.

MOTOR BUS SERVICE FROM SIMLA TO MASHOBRA.

***3461. Rai Bahadur Mr. P. Mukerji :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether his attention has been called to the correspondence which has appeared in the *Statesman* on the 12th May, the *Civil and Military Gazette* on the 9th May and the *Liddell's Weekly* on the 28th April and 12th May 1984 on the subject of an experimental motor bus service from Simla to Mashobra? If not, will the Honourable Minister take an early opportunity of procuring this correspondence;
- (b) whether the Honourable Minister is aware that there is a very strong public demand in Simla that the experiment of running this bus service under municipal control be given a fair and reasonable trial;
- (c) the reason why this legitimate request supported by almost all classes at the station as well as by the municipality has been summarily refused;
- (d) whether in view of the fact that the Government of India possesses extremely large interests in Simla, the Government of India has been consulted on this question? If not, whether the Honourable Minister is now prepared to do so;
- (e) whether he is also prepared to reconsider his decision and so prevent the possibility of a public demonstration in Simla as a protest against this decision?

The Honourable Dr. Gokul Chand Narang : (a) Yes to some.

(b) The proposal put forward by the municipality undoubtedly has the support of a section of the Simla public. There is at the same time an opposition which though not organized is believed to be strong. The suggestion that the scheme is "supported by almost all classes at the station" is not correct.

(c) The Mashobra road, which is not wide, carries a considerable traffic of horsemen, pedestrians and rickshaws, particularly at week-ends. Motor traffic would be the cause of great inconvenience, and even danger, to these users of the road.

(d) Any communication which may be received on the subject from the Government of India will of course receive from this Government the most

[The Hon. Dr. Gokul Chand Narang.]

careful consideration. The matter is, however, one which is clearly within the purview of the local Government.

(e) Government will be prepared to consider any new facts brought to their notice, but these will have to be of a cogent character to justify a revision of the decision already reached.

KHARABA IN JANDIALA DIVISION.

***3462. Chaudhri Faqir Husain Khan :** Will the Honourable Revenue Member kindly state—

- (a) the total area irrigated in Jandiala division during *kharif* 1933-34 ;
- (b) the amount of *kharaba* given in the said division ;
- (c) the proportion the amount mentioned in (b) bears to the *kharaba* given on area irrigated by perennial canals in other divisions of the province ?

The Honourable Sir Miles Irving : (a) 186,636 acres.

(b) 1,095 acres.

(c) It is not clear what information is sought, but the following is given as being probably what the honourable member requires. The percentage of remission given in the Jandiala division was 59 per cent. as against 1·25 per cent. for the Upper Bari Doab Canal and 5·21 per cent. for all perennial canals in the province.

IRRIGATION IN JANDIALA DIVISION.

***3463. Chaudhri Faqir Husain Khan :** Will the Honourable Revenue Member kindly state—

- (a) the amount spent on remodelling scheme in Jandiala division in 1930 ;
- (b) the total area under irrigation in this division ;
- (c) the proportion the area mentioned in (b) bears to the area irrigated by perennial canals in the province ?

The Honourable Sir Miles Irving : (a) Rs. 13,597 in 1930-31.

(b) 361,051 acres.

(c) 3·78 per cent.

KHARABA IN JANDIALA DIVISION.

***3464. Chaudhri Faqir Husain Khan :** Will the Honourable Revenue Member kindly state—

- (a) the number of applications for the grant of *kharaba* received in 1933-34, in Jandiala division ;
- (b) the number of applications rejected without an enquiry being made into the circumstances of the case ;
- (c) the number of applications found to be based upon facts ;
- (d) the number of applications upon which it was remarked that the crop having been removed the facts stated in the application cannot be verified ;

- (e) the number of cases in which *kharaba* was actually granted ;
- (f) the number of cases in which the applications for *kharaba* were rejected ;
- (g) the proportion (e) and (f) bear to the *kharaba* granted on area irrigated by other perennial canals in the province ?

The Honourable Sir Miles Irving : (a) 2,654.

(b) Nil.

(c), (d), (e), (f) and (g). The unit of *kharaba* is the field number and not the application. Most applications contain requests for remission of many field numbers. The department does not keep any statistics enabling Government to reply to the parts (c) to (g) of the question without very great labour.

ABIANA.

***3465. Chaudhri Faqir Husain Khan :** Will the Honourable Revenue Member kindly state—

- (i) (a) the amount of *abiana* realised district-wise in (i) *rabi* 1933 and (ii) *kharif* 1933-34 ;
- (b) the amount of *inam* the *lambardars* were entitled to get under the rules, district-wise ;
- (c) the amount of *inam* actually given to the *lambardars* district-wise ;
- (d) the amount of *inam* confiscated district-wise, due to non-payment of *abiana* at the proper time ;
- (ii) the amount of *inam* confiscated district-wise, during the years 1930-31, 1931-32 and 1932-33, and the proportion it bears to (d) ?

The Honourable Sir Miles Irving : The collection of this information district-wise would involve an amount of labour which it would be against the public interest to incur.

PRODUCE OF WHEAT AND GRAM.

***3466. Chaudhri Faqir Husain Khan :** Will the Honourable Revenue Member kindly state—

- (a) the average produce per acre in the Amritsar district in *rabi* 1934 and the average prices of wheat and gram during this period obtainable there ;
- (b) the average produce per acre and average prices prevailing in the Amritsar district since *rabi* 1928 ;
- (c) the meaning of the expression " the produce is cent per cent." ;
- (d) if the produce has dwindled down to less than 8 annas in the rupee, whether Government is prepared to give some concessions to the *zamindars* of the Amritsar district ?

The Honourable Sir Miles Irving : (a) and (b) A statement is laid on the table.

(c) The expression as defined in paragraph 352 of the Land Administration Manual means that the produce is equal to the average yield adopted

[The Hon. Sir Miles Irving.]

by the Settlement Officer at the last settlement, unless some other yield has been specially prescribed.

(d) As the produce has not dwindled down to less than Re. 0-8-0 in the rupee, the question does not arise.

Statement showing produce per acre and price of wheat and gram of Amritsar district for rabi.

Year.	WHEAT.		GRAM.	
	Average produce per acre in seers.	Average price per maund.	Average produce per acre in seers.	Average price per maund.
		Rs. A. P.		Rs. A. P.
1928	287	4 0 0	217	4 0 0
1929	498	4 8 0	187	4 14 0
1930	506	3 2 0	358	3 14 0
1931	346	1 9 0	349	2 1 0
1932	495	1 13 0	350	1 10 0
1933	509	2 12 0	334	2 7 0
1934	429	2 2 0	310	1 12 0

PUNJAB CRIMINAL LAW (AMENDMENT) ACT.

***3467. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

(a) the number of persons who have been served with a notice under section 8 of the Punjab Criminal Law (Amendment) Act, III of 1932, and the number of Muhammadans amongst them ;

(b) whether the Government in view of the withdrawal of the civil disobedience movement is considering the advisability of lifting the ban from the persons mentioned above ?

The Honourable Mr. D. J. Boyd : (a) Ninety including 15 Muhammadans.

(b) The restraint orders have already been cancelled except in the case of 26 persons, who have been concerned in terrorist or other subversive movements.

PUNJAB CRIMINAL LAW (AMENDMENT) ACT.

***3468. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

(a) the number of Congressmen (believing in non-violence) who have been served with a notice under section 3 of the Punjab Criminal

Law (Amendment) Act, III of 1932, and the number of Muhammadans amongst them ;

- (b) whether in view of the withdrawal of civil disobedience movement Government is considering the desirability of lifting the ban from Congressmen who believe in non-violence ?

The Honourable Mr. D. J. Boyd : (a) Fourteen including 2 Muhammadans.

- (b) The restraint notices have already been cancelled.

ILAQA BEIT, LUDHIANA.

***3469. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it has been brought to the notice of Government that *ilaqa Beit*, Ludhiana district, is the most neglected part of the district so far as the benevolent activities of the district board are concerned ;
- (b) whether it has been brought to the notice of the Government that the people of *ilaqa Beit*, Ludhiana, are backward in education and poor in health and lack means of communication ;
- (c) if the answer to the above is in the affirmative, what steps Government is taking to improve the condition of *ilaqa Beit*, Ludhiana ?

The Honourable Dr. Gokul Chand Narang : (a) A reference is invited to the reply given in 1931 to a Council question (No. 196)¹ on the same subject.

- (b) No.

- (c) No special steps are contemplated.

DOGRAS AS STATUTORY AGRICULTURISTS.

***3470. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the Dogras are statutory agriculturists throughout the province ;
- (b) whether it is a fact that the Dogras of Rohtak district are not notified agriculturists in spite of the fact that agriculture is their main occupation ;
- (c) whether it is a fact that the branches of the same clan which reside in the adjoining districts of Hissar and Karnal are declared statutory agriculturists ;
- (d) whether Government is prepared to declare Dogras of Rohtak statutory agriculturists ?

The Honourable Sir Miles Irving : (a) No.

- (b) It is a fact that Dogras of the Rohtak district are not notified agriculturists. Government have no information whether or not agriculture is their main occupation in that district.

¹ Volume XX, page 168.

[The Hon. Sir Miles Irving.]

(c) Yes.

(d) In view of the small numbers of Dogras in the Rohtak district (320 in the Census of 1921) Government does not propose to notify them.

MOLESTATION OF SCHOOL BOYS BY GOONDAS.

***3471. Chaudhri Afzal Haq :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that *goondas* of Lahore tease the school-boys when coming from and going to school ;
- (b) whether it has been brought to the notice of Government that some headmasters of the local schools of Lahore referred the matter to the police ;
- (c) the number of persons who have been dealt with in accordance with law ;
- (d) what steps Government proposes to take so that school boys may pursue their studies without molestation ?

The Honourable Malik Sir Firoz Khan Noon : Enquiries are being made and a reply to the question will be communicated to the honourable member when ready.

KHWAJA ABDUR RAHMAN GAZI OF AMRITSAR.

***3472. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that Khwaja Abdur Rahman Gazi, a prominent Congressman of Amritsar, has been prohibited from making public speeches in certain areas ;
- (b) whether in view of the suspension of civil disobedience Government is prepared to withdraw the ban ?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) Does not arise as the prohibitory order was cancelled by the Punjab Government on the 9th January, 1934.

DIN MUHAMMAD, A MARTIAL LAW PRISONER.

***3473. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that Din Muhammad, son of Wazir Khan, of Amritsar, a Martial Law prisoner, has not so far been released ;
- (b) whether it is a fact that Chaudhri Baga of Amritsar, also a Martial Law prisoner, has been released ;
- (c) whether Government intends to release the said Din Muhammad, if so, when ?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) Yes.

(c) His case will be considered this year.

MUHAMMADAN MARTIAL LAW PRISONERS.

***3474. Chaudhri Afzal Haq :** Will the Honourable Member for Finance be pleased to state—

- (a) the number and the names of Muhammadan Martial Law prisoners and the dates of their release ;
- (b) the number of Muhammadan Martial Law prisoners who have recently been released ;
- (c) whether in view of the calm state of the country and the withdrawal of civil disobedience movement, Government is prepared to release all Martial Law prisoners ?

The Honourable Mr. D. J. Boyd : (a) Seven. A list giving their names is laid on the table. Since the sentences of all these prisoners are indeterminate it is not possible to give the dates of their release.

(b) None.

(c) The cases of these prisoners will come up for consideration in the ordinary course in 1934 or 1935. There is not sufficient reason for departing from the usual procedure.

List of Muhammadan Martial Law prisoners.

- (1) Sadiq, son of Ibrahim.
- (2) Muhammadi, son of Aziz.
- (3) Allah Din, son of Dasondhi.
- (4) Nadar Ali Shah, son of Qaim Ali.
- (5) Dina, son of Wazira.
- (6) Sarwar, son of Muhammad Bakhsh.
- (7) Jalal Din, son of Sawan.

1914-15 CONSPIRACY PRISONERS.

***3475. Lala Chetan Anand :** Will the Honourable Member for Finance be pleased to state—

- (a) the number of 1914-15 conspiracy prisoners yet in jail with their names ;
- (b) when Government intends to release them ?

The Honourable Mr. D. J. Boyd : (a) Eight. Their names are—

Kesar Singh, Parma Nand, Madan Singh, Nand Singh, Sundar Singh, Bhagel Singh, Harnam Singh, Harnam Singh.

(b) I am not in a position to make any statement on the subject.

HAVELIAN PROJECT.

***3476. Lala Chetan Anand :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether there is any likelihood of Havelian Project being taken in hand ;
- (b) if so, when ?

The Honourable Sir Miles Irving : (a) and (b) The Havelian Project is under consideration by the Punjab Government at present, and a final decision on its merits has not been reached.

CANDIDATES FOR THE POST OF SUB-INSPECTOR OF FISHERIES.

***3477. Thakur Pancham Chand :** Will the Honourable Minister for Agriculture kindly state—

- (a) whether there are accepted and qualified candidates for the post of Sub-Inspector of Fisheries on the approved list ;
- (b) if the reply to (a) above be in the affirmative, whether he will lay a list containing the names of candidates, date of acceptance, seniority-wise, on the table ;
- (c) whether any of them have been given a chance to officiate during the last 4 years ;
- (d) if the reply to (c) above is in affirmative, which of the candidates officiated and in what arrangement ;
- (e) whether the seniority of the approved candidates is taken into consideration ?

The Honourable Sardar Sir Jogendra Singh : (a) Prior to the amalgamation of Fisheries with the Agricultural Department a list of candidates existed but that is now obsolete, as of the six names contained therein three are now in permanent Government service and the case of other three will be considered on merits.

(b) to (e) Do not arise.

CANDIDATES FOR THE POST OF SUB-INSPECTOR OF FISHERIES.

***3478. Thakur Pancham Chand :** Will the Honourable Minister for Agriculture kindly state—

- (a) how many candidates were accepted for the post of Sub-Inspector of Fisheries up to 31st July, 1932 ;
- (b) whether any one of the approved and qualified candidates officiated during the last 4 years ;
- (c) if the reply to (b) above be in the negative, why the Director of Agriculture is accepting more candidates for Sub-Inspector of Fisheries when the list is already heavy, and approved and qualified candidates of long standing have not even got the chance to officiate so far ?

The Honourable Sardar Sir Jogendra Singh : (a) The late Warden of Fisheries selected six candidates, three of these are now in service and the cases of remaining three will be considered on their merits.

(b) One man from the late Warden of Fisheries list, who is a Deputy Sub-Inspector of Fisheries officiated as Sub-Inspector of Fisheries in addition to his own duties for a period of about one month.

(c) I will make enquiries regarding this.

COMPENSATION TO MUSSAMMAT GITA DEVI, PAID BY HYDRO-ELECTRIC DEPARTMENT.

***3479. Thakur Pancham Chand:** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that Mst. Gita Devi, widow of Pandit Anant Ram, Brahmin of Kotla, tahsil Nurpur, Kangra district, applied to the Chief Engineer, Hydro-Electric, on the 13th March, 1934 and 12th May, 1934, that the compensation on account of the trees cut down by the department in connection with the Mandi Hydro-Electric Scheme, from her land situated at Tilokpur (near Kotla) be paid either to her or her minors or to Dewan Ram Ditta Mall, landlord of Kotla;
- (b) what action has been taken on her repeated petitions cited above;
- (c) whether it is also a fact that the compensation to be awarded at the first instance was Rs. 235-1-0 only but it was reduced to Rs. 201 without assigning any reasons;
- (d) if the reply to (c) above be in the affirmative, the reasons for discrepancy;
- (e) what action the department has taken into the settlement of this case which is pending for about $\frac{1}{2}$ a decade with the Department;
- (f) whether Government is aware that Mst. Gita Devi is being put to much financial loss on account of unsettlement of her claims;
- (g) whether Government is aware that the trees cut down have not been removed by the Department and wood is lying in the field, proving obstruction to the crop;
- (h) what action the Government intends to take to remove the wood lying there?

The Honourable Dr. Gokul Chand Narang: The application, dated the 13th March, 1934, was received by the Chief Engineer, Electricity Branch, but the application alleged to have been made on 12th May 1934, has not so far been received.

(b) After departmental enquiries Mussammat Gita Devi was informed on 7th April, 1934, that if she would furnish Government with a certificate from a Magistrate testifying to Diwan Ram Ditta Mal, landlord, Kotla, being the legal guardian of the minor sons of Anant Ram, deceased, the compensation due would be paid to him.

(c) Yes—but reasons for reducing the amount were duly assigned.

(d) The reduction is due to the deductions from the tahsildar's assessment of the value of the standing trees and the felled wood returned to the owner.

(e) As soon as the certificate referred to in (b) above is received the amount of compensation will be paid.

(f), (g) and (h) Points raised in (f) and (g) will be looked into.

**LICENSES ON PATHANKOT-DHARMSALA AND BAIJNATH ROADS AND KANGRA
MOTOR UNION.**

***3490. Thakur Pancham Chand :** Will the Honourable Member for Revenue kindly state—

- (a) whether it is a fact that the licenses on Pathankot-Dharmsala and Baijnath roads are only granted to the Kangra Motor Union ;
- (b) whether it is also a fact that this line has become practically the monopoly of the Kangra Motor Union and no fresh licenses are granted to anyone other than the Kangra Motor Union ;
- (c) whether Government is aware that the so-called monopoly of the Kangra Motor Union is proving detrimental to the passengers in particular, as high fares are being levied without competition ;
- (d) whether Government is aware that the fare levied is exorbitant, more especially for Kotla and Shahpur passengers ;
- (e) what action Government intends to take to grant fresh licenses to the people other than Kangra Motor Union as well as for reducing the fares in this Valley ?

The Honourable Sir Miles Irving : The required information is being collected and will be communicated to the honourable member when ready.

PUNJAB EDUCATIONAL SERVICE.

***3481. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Education please state—

- (a) the total number of persons promoted to the P. E. S. from January, 1927 up to date, community-wise ;
- (b) how many of them are directly promoted to the P. E. S. grades with accelerated promotions ;
- (c) how many of them are Hindus ?

The Honourable Malik Sir Firoz Khan Noon : (a) The total number of persons promoted to the Punjab Educational Service Classes I and II communitywise are given below—

	Hindus.	Muslims.	Sikhs.	Others.
P.E.S. (Class I) (Men's Branch) ..	1	3	1	3
P. E. S. (Class I) (Women's Branch) ..	..	..	..	2
P. E. S. (Class II) (Men's Branch) ..	16	15	5	1
P. E. S. (Class II) (Women's Branch)	1	..	..	5

(b) It is assumed that the honourable member desires information in regard to direct appointments. The information is given below—

	Hindus.	Muslims.	Sikhs.	Others.
P. E. S. (Class I) (Men's Branch) ..	..	..	..	2
P. E. S. (Class II) (Men's Branch) ..	7	2	3	1
P. E. S. (Class II) (Women's Branch)	..	..	..	..

The question of accelerated promotion does not arise in the case of those who are directly appointed.

(c) The figures are given against (b) above.

MR. SITA RAM GUPTA OF THE EDUCATION DEPARTMENT.

*3482. **Khwaja Muhammad Eusoof** : Will the Honourable Minister for Education please state—

- (a) the date of appointment of Mr. Sita Ram Gupta in the Education Department ;
- (b) the date of his promotion to the next higher grade ;
- (c) the date of his promotion to the P. E. S. ;
- (d) the number of persons whom he superseded in the official grades ?

The Honourable Malik Sir Firoz Khan Noon : (a) 31st May, 1926.

(b) and (c) He was appointed on Rs. 200—250 grade and promoted to the P. E. S. on 4th November, 1927.

(d) Sixty in the Rs. 200—10—250 grade. It may, however, be added for the honourable member's information that promotions to P. E. S. are made strictly by selection and not by seniority and that Mr. Sita Ram Gupta possessed the somewhat rare distinction of being M. A. (I Class) in Mathematics.

HALWAI SHOPS IN SCHOOLS.

*3483. **Khwaja Muhammad Eusoof** : Will the Honourable Minister for Education please state—

- (a) the number of Government institutions to which *halwai* shops are attached ;
- (b) how many of these shops are being managed by Hindus ;
- (c) whether it is a fact that the Shia and Ahmadi communities particularly do not eat anything prepared by the non-Muslims ;
- (d) whether it is a fact that the students of these communities also receive education in the Government institutions ;
- (e) what arrangements Government has made for their refreshments, etc. ;
- (f) how many shops are such which have been exclusively managed by the Hindus for the last five years ;

[Kh. Muhammad Eusoof.]

- (g) what steps he proposes to take to redress the standing grievances of the Muslim community?

The Honourable Malik Sir Firoz Khan Noon : The question was received by the Education Department on June 18th, so there was not enough time to collect the information. If the honourable member will let me know the name of the particular place about which he has heard complaints, I shall be glad to look into the case. This will avoid a great deal of unnecessary correspondence. However, if the honourable member wishes me to make the enquiry throughout the province I am willing to do so.

FEE CONCESSIONS TO SONS OF TEACHERS.

***3484. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that the teachers' sons are granted concessions in tuition fees in schools ;
- (b) whether the concession is given to such students whose fathers' pay does not exceed Rs. 50 per mensem ;
- (c) whether he is prepared to consider the desirability of extending this concession to colleges and raise the limit of Rs. 50, say, to Rs. 80 ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) The concessions are given to the children of such teachers whose income does not exceed Rs. 50 per mensem.

(c) The financial implications involved prevent Government from raising the limit of Rs. 50 to Rs. 80 or to allow these concessions in colleges.

TEACHERS OF MATHEMATICS IN GOVERNMENT COLLEGES.

***3485. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Education please state—

- (a) the number of teachers of Mathematics in the Government colleges in the Punjab ;
- (b) how many of them are Muslims ;
- (c) if the number of Muslim teachers is very low, whether he is prepared to consider the desirability of recruiting more Muslim teachers for Mathematics especially when qualified Muslim M. As. are now available ?

The Honourable Malik Sir Firoz Khan Noon : (a) Twenty-eight.

(b) Seven.

(c) When vacancies occur, capable Muslim candidates will receive the consideration they deserve.

MUSLIM TEACHERS FOR ENGLISH.

***3486. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Education please state—

- (a) the names of such colleges in the province where there is no Muslim teacher for English;
- (b) whether he is prepared to consider the desirability of adding to the staff of such colleges one or two Muslim teachers for English either by transfer or by new appointments?

The Honourable Malik Sir Firoz Khan Noon : (a) Ludhiana Government College, Ludhiana.

Government Intermediate College, Hoshiarpur,

Government Intermediate College, Dharamsala.

Government Intermediate College, Jhang.

Central Training College, Lahore.

(b) It is neither possible nor desirable to fix or maintain communal proportion in regard to teachers of individual subjects.

MR. GHANI SHAM DASS, B.A., B.T., LECTURER, TRAINING COLLEGE, LAHORE.

***3487. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that Mr. Ghanisham Das, B. Sc., B.T., Lecturer, Training College, Lahore, has been rapidly promoted from the various S. E. S. grades to the P. E. S. in a few years' time;
- (b) the date of his appointment in the Department;
- (c) the dates of his promotions to the next higher grades;
- (d) whether he completed the various grades which he held;
- (e) the causes of his rapid promotion;
- (f) how many teachers he superseded in the various grades;
- (g) whether none of them possessed similar causes for promotion?

The Honourable Malik Sir Firoz Khan Noon : (a) Lala Ghanisham Das, B.Sc., B.T., was appointed in the grade of Rs. 140—10—190 on 31st May, 1924. He was promoted to the grade of Rs. 200—250 on 1st May, 1927, and was provisionally promoted to the P. E. S. (Class II) on 1st April, 1932, and permanently promoted to the P. E. S. (Class II) on 1st October, 1932.

(b) and (c) The information is given against (a) above.

(d) No. He did not complete Rs. 140—10—190 grade before he was promoted to Rs. 200—10—250 grade. He, however, completed the Rs. 200—10—250 grade before he was permanently promoted to P. E. S. (Class II). It may be added for the honourable member's information that members of the S. E. S. are not required to serve for a stated period in any particular grade before they can be considered for promotion to the next grade.

[The Hon. Malik Sir Firoz Khan Noon.]

(e) In regulating promotions many factors are taken into consideration. It is not in the public interest to state reasons for any particular promotion or supersession.

(f) Forty-five in Rs. 140—190 grade and 22 in Rs. 200—250.

(g) Attention is invited to (e) above.

GOVERNMENT INTERMEDIATE COLLEGE, HOSHIARPUR.

***3488. Khwaja Muhammad Euseof :** Will the Honourable Minister or Education please state—

- (a) when Government Intermediate College, Hoshiarpur, was first started ;
- (b) the number of students in each class when the college was started ;
- (c) the number of students in the subsequent years up-to-date ;
- (d) whether there has been any increase or decrease in the number of students ;
- (e) if the number of students has miserably decreased, the causes of such a fall ;
- (f) what steps he proposes to take so that the number of students be restored to the original strength ?

The Honourable Malik Sir Firoz Khan Noon : (a), (b), (c) and (d). A statement giving the required information is placed on the table :—

(e) The decline in numbers is largely due to the following causes :—

- (i) For the enrolment in the ninth class the college has to depend only on the Government Middle School, and even this institution, owing to the rivalry and vigorous propaganda of the local high schools, has not been able to pass on all its boys to the Government Intermediate College.
- (ii) In the Intermediate classes, the numbers have fallen because Jullundur and Ludhiana now have degree colleges, and some parents prefer to send their boys to a college at which they can complete their degree course. The decline in numbers in the college classes is also partially due to the fact that the tuition fees charged in the D. A.-V. colleges both at Hoshiarpur and at Jullundur are much lower than those charged at the Government College. Another possible reason for this decline is that Economics which has little educational value at the intermediate stage but which is comparatively much easier than the alternative subjects, is not taught in the Government College, while it is being taught in the D. A.-V. colleges at Hoshiarpur and at Jullundur.

(f) The Inspection Committee for Government Colleges went into this question thoroughly at their last inspection of the college, and their report and recommendations are under consideration of the Government.

Statement.

Year.	IX.	X.	I year.	II year.	Total.	Increase or decrease over the previous year.
1927-28 ..	108	124	71	..	303	..
1928-29 ..	97	88	97	78	360	+57
1929-30 ..	65	64	103	83	315	-45
1930-31 ..	65	41	54	92	252	-63
1931-32 ..	56	83	56	64	259	+7
1932-33 ..	49	56	57	51	213	-46
1933-34 ..	40	40	47	59	186	-27
1934-35 ..	41	36	59	45	181	-5

PRINCIPAL OF GOVERNMENT INTERMEDIATE COLLEGE, PASRUR.

***3489. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Education please state—

- whether it is a fact that the Principal of Government Intermediate College, Pasrur, is a mere B.A., B.T. ;
- how many M.A.'s are working under him ;
- whether there are no M.A.'s senior to him in the Education Department both in pay as well as in service who could be employed as principal of such an institution ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes. It will however, interest the honourable member to know that this officer has put in 28 years service, is fairly senior on the list and has served creditably in the Central Training College, Lahore, for 4 years. He has moreover, fully justified his appointment as Principal.

(b) Ten.

(c) Yes. But the appointment of Principals is made by selection and not by seniority.

ACCEPTED CANDIDATES (ASSISTANT SUPERINTENDENT).

***3490. Sardar Jawahar Singh Dhillon :** Will the Honourable Member for Revenue be pleased to state—

- the number of superintendents and assistant superintendents communitywise in the Criminal Tribes Department ;
- how many superintendents and assistant superintendents have been recruited since 1930 ;

[Sardar Jawahar Singh Dhillon.]

- (c) whether it is a fact that one Jagir Singh's name is on the list of accepted candidates (assistant superintendents) since 1929, *vide* Deputy Commissioner for Criminal Tribes letter No. 7071 of 4th April 1930 ;
- (d) whether Government is prepared to consider his claims for the post if not considered before ;
- (e) the method adopted for the selection of superintendents and assistant superintendents amongst the accepted candidates ;
- (f) whether they are selected according to seniority ;
- (g) if so, what is the number of Jagir Singh according to seniority list and when is his chance most likely to come ?

The Honourable Sir Miles Irving :

Superintendents. Assistant Superintendents.

(a) Muslims . . . .	..	..	5	4
Hindus ..	..	..	4	6
Sikhs ..	..	..	3	3
Christians ..	..	..	..	1

(b) Superintendents—Nil.

Assistant Superintendents—Five.

(c) Yes.

(d) The question does not arise as there is no vacancy.

(e) In the manner prescribed by rule 7 of the Punjab Reclamation and Criminal Tribes Department Subordinate Service Rules¹, 1933, a copy of which is laid on the table.

(f) No.

(g) Does not arise.

Copy of Rule 7 relating to the Subordinate Services of the Punjab Reclamation and Criminal Tribes Department.

7. (1) Posts in the service shall be filled :—

Method of recruitment.

SECTION I.—Clerical.

(a) In the case of the Superintendent—

- (i) By selection from other members of the service, both clerical and executive, or
- (ii) By direct recruitment ;

(b) In the case of the Head Clerk Reclamation—

- (i) By selection from other members of the service, both clerical and executive, or
- (ii) By direct recruitment ;

(c) In the case of the Stenographer—

- (i) By selection from among Stenographers employed in Departments of Government other than the Reclamation and Criminal Tribes Department or from duly qualified Senior or Junior Clerks, or

- (ii) By direct appointment ;

(d) In the case of Senior Clerk—

- (i) By selection from among Junior Clerks, or

¹Kept in the Library.

- (ii) By selection from among officials employed in Departments of Government other than the Reclamation and Criminal Tribes Department, or
- (iii) By direct appointment;
- (e) In the case of Junior Clerks—
 - (i) By selection from among the Vernacular Clerks or Assistant Clerks, or
 - (ii) By direct appointment;
- (f) In the case of Vernacular Clerk or Assistant Clerk—
 - (i) By selection from among other official in Government service, or
 - (ii) By direct appointment;
- (g) In the case of clerks of the Probation and Criminal Tribes Officers—
 - (i) By appointment of a probationally released prisoner, who by his educational qualifications is fit to perform the clerical duties, or
 - (ii) By selection from among other officials in Government service, or
 - (iii) By direct appointment.

SECTION II.—Executive.

- (h) In the case of the Deputy Superintendent, Reformatory Settlement, Amritsar, Superintendents of Settlements, Probation and Criminal Tribes Officers, Manager, Reformatory School, Delhi, and 2nd Grade Assistant Superintendents—
 - (i) By selection from among the other members of the service, or
 - (ii) By selection from among officials employed in Departments of Government other than the Reclamation and Criminal Tribes Department, or
 - (iii) By direct appointment;
- (i) In the case of 3rd grade Assistant Superintendents—
 - (i) By selection from among the other members of the service, or
 - (ii) By selection from among officials employed in departments of Government other than Reclamation and Criminal Tribes Department, or
 - (iii) By direct appointment;
- (j) In the case of 4th grade Assistant Superintendents, Senior and Junior Factory Assistants, Superintendent, Boarding House, Reformatory School, Delhi, Assistant Probation and Criminal Tribes Officers and Senior and Junior Supervisors—
 - (i) By selection from among other members of the service, or
 - (ii) By direct recruitment;
- (k) In the case of the Chief Head Warder or Head Warders—
 - (i) By selection from among Head Warders or Warders as the case may be, or
 - (ii) By direct appointment;

SECTION III.—Teachers.

- (l) In the case of Headmasters—
 - (i) By selection from among qualified teachers in the service, or
 - (ii) By transfer from Departments of Government other than the Reclamation and Criminal Tribes Department, or
 - (iii) By direct appointment;
- (m) In the case of Senior Vernacular Teachers and Teacheresses, including Senior Vernacular teachers, II, III and IV teachers for the schools,
 - (i) By selection from among junior, senior vernacular teachers, or
 - (ii) By direct appointment;
- (n) In the case of Junior Vernacular teachers, and Teacheresses including teachers for the Reformatory Schools;
 - (i) By direct appointment, or
 - (ii) By transfer of teachers employed in the Punjab Education Department;

SECTION IV.

- (o) In the case of Sub-Overseer—
 - (i) By selection from among Sub-Overseers employed in the Public Works Department, or
 - (ii) By direct appointment;

[The Hon. Sir Miles Irving.]

(p) In the case of preachers—

(i) By direct appointment;

(g) In the case of other posts in Section IV—

(i) By direct appointment, or

(ii) By selection from among duly qualified junior members of this section of the service, or

(iii) By transfer from among officials employed in departments of Government other than the Reclamation and Criminal Tribes Department.

(2) When any vacancy occurs or is about to occur in the service the Reclamation Officer the Deputy Commissioner or the Inspector-General, as the case may be, shall determine in what manner such vacancy shall be filled.

(3) Appointments to any post by selection from officials already in the service or by the transfer of officials employed in Government departments other than the Reclamation and Criminal Tribes department shall be made strictly by selection and no official shall have any claim to such appointment as of right.

LANDOWNERS OF VILLAGE DUDAR.

***3491. Sardar Jawahar Singh Dhillon :** Will the Honourable Revenue Member please state—

(a) whether it is a fact that landowners of village Dudar (Jandiala division) tahsil Tarn Taran, district Amritsar, put in many complaints to authorities regarding the shortage of canal water supply being at the tail end of *rajbah* but their grievances were not redressed;

(b) whether it is a fact that they put a *bund* in their watercourse with the intention not to irrigate their field with canal water and did not in fact use canal water for their *rabi* crops—wheat, etc.;

(c) whether it is a fact that they submitted applications and wired to the Superintending Engineer and Chief Engineer regarding their intention of not using canal water;

(d) whether it is also a fact that the Deputy Commissioner upon their complaint sent tahsildar, Tarn Taran and girdawar and revenue patwari to the spot for investigation, who reported to the Deputy Commissioner that land had not been irrigated by canal but by rain water; if so, whether Government will lay the report of the tahsildar on the table;

(e) whether it is a fact that in spite of the report referred to above the canal authorities are forcing the landowners to pay the water rate (*abiana*) for *rabi* crops;

(f) whether Government is prepared to consider their case?

The Honourable Sir Miles Irving : The requisite information is being obtained from the local officers and will be supplied to the honourable member when ready.

REDUCTION OF WATER RATES.

***3492. Sardar Jawahar Singh Dhillon :** Will the Honourable Revenue Member please state—

(a) whether water rates of wheat per acre have been reduced in the province, if so, to what extent;

- (b) whether Government intends to reduce them in case of barley and oat and also of cereals of inferior quality than wheat ;
- (c) whether it is a fact that water rate per acre in case of fodder crops has been increased. If such an increase is to be maintained, whether Government proposes to maintain the increase in case of fodder crops near towns and cities and other places of market only ?

The Honourable Sir Miles Irving : (a) Yes ; one rupee per acre, on perennial channels and Re. 0-12-0 on *kharij* channels. The case of non-perennial channels of Sutlej Valley Project is under consideration.

(b) No.

(c) (1) Yes. (2) No.

PERSONS WHO HAVE PASSED B. A. ENGLISH.

***3493. Sardar Jawahar Singh Dhillon :** Will the Chief Secretary be pleased to state—

- (a) whether it is a fact that persons who have passed B. A. English are treated at par with B. A. Degree holders in the Civil Secretariat in the matter of recruitment and promotion to higher grades in the clerical line ;
- (b) if so, whether Government is prepared to issue instructions to other offices to follow suit ;
- (c) whether Government is prepared to grant facilities to such persons who are qualified in B.A. English in the matter of their access to Punjab Civil Service (Executive) competitions and such other competitive examinations from time to time conducted by the Local Government ?

Mr. C. C. Garbett : (a) As regards recruitment no : as regards promotion yes. The system has stimulated clerks to improve their qualifications.

(b) The matter is within the discretion of heads of departments, under the general control of the Honourable Member or Minister concerned.

(c) No.

ABIANA.

***3494. Sardar Jawahar Singh Dhillon :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether it is a fact that *abiana* on any crops such as cereals, even if grown for the purposes of fodder and used as such, is not charged at the same rate as that of fodder crop ;
- (b) whether it is a fact that in the crop of *moth* if there are a few plants of *mungi* due to the impurity of seeds, water rates are charged of a higher rated crop, that is *mungi* and not the *moth* which is originally sown ;
- (c) whether it is a fact that there are some instructions on the subject referred to above issued to the authorities concerned ; if so, whether they are invariably carried out ;

[Sardar Jawahar Singh Dhillon.]

- (d) whether it is a fact that if a field is irrigated in the course of *rabi* or *kharif* season and no crop is sown thereon (remains fallow) and in the next season if any crop is sown *chahi* or *barani* in the same field and no canal water is given that crop is charged at full rates in the schedule;
- (e) if so, whether Government is not prepared to revise the rules to redress the just grievance of the zamindar community;
- (f) whether it is a fact that all maize crops sown up till the end of month of April are charged at fodder rates and if that very crop is sown after this date it is charged at full maize rate in the schedule;
- (g) if so, whether Government is prepared to remove this distinction and issue instructions that the particular crop shall be charged at the fodder rate if it is sown for fodder purposes irrespective of the date of sowing?

The Honourable Sir Miles Irving: (a) Yes, on all crops other than those notified as fodder crops in Irrigation Branch Notifications No. 204-R.I., dated 24th January 1930, and No. 037-R. I., dated 19th May, 1930.

(b) No. Rule 23 issued under the Canal Act (VIII of 1873) does not apply to accidental mixtures of seeds or to mixtures which do not have the effect of appreciably enhancing the value of the outturn of the lower rated crop.

(c) Yes.

(d) Water given for ploughing not followed by a crop in the same or next harvest is charged at the lowest rate, viz., Re. 1, per acre.

(e) No. The charge for the water used is not considered excessive.

(f) Yes.

(g) No. Such a proposal is administratively impracticable.

SIKHS IN THE CLERICAL ESTABLISHMENT OF THE PUNJAB EDUCATION DEPARTMENT.

***3495. Sardar Jawahar Singh Dhillon:** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that Sikhs have not been adequately represented in the clerical establishment of the Punjab Education Department;
- (b) the number of officiating and permanent posts that fell vacant since January 1933, and whether they were filled up, if so in what proportion communitywise;
- (c) whether Government has given special representation to Sikhs due to their inadequacy in the department in filling up those vacancies;
- (d) if answer to part (c) above is in the negative, whether Government is prepared to redress the just grievance of the Sikhs in this respect.

The Honourable Malik Sir Firoz Khan Noon: (a) The proportion of Sikhs in the subordinate offices is 8.5 per cent. and in the head office about 10 per cent.

(b) The information is being collected and will be supplied when ready.

(c) and (d). The policy of Government was stated by the Honourable Finance Member in a debate in the Legislative Council on the 19th July 1927. This still is the policy of Government, and Government continues to carry out the requirements of the formula contained in the said statement of policy as vacancies occur.

NAZUL LAND SITUATE IN KASUR NEAR SINGH SABHA.

***3496. Sardar Jawahar Singh Dhillon:** (i) Will the Honourable Member for Revenue be pleased to state if it is a fact—

(a) that a plot of nazul land situate in Kasur near Singh Sabha bridge was sold to a certain person for Rs. 450 ;

(b) that no notice of the above sale was given to the public ;

(c) that the owner of the building adjacent to the plot in question offered Rs. 1,000 for the same, and sent registered letters to the Deputy Commissioner and Commissioner on the subject ;

(d) that the offer has not been accepted ?

(ii) If the answer to (d) above be in the affirmative, will the Government be pleased to state the reasons for rejecting the above offer and also give reasons for not publicly auctioning the said plot ?

The Honourable Sir Miles Irving: (i) (a) A plot of nazul land measuring one *kanal* (.103 acres) situated in Kasur, was sold for Rs. 463 in 1931.

(b) The sale was made by private treaty at the market rate. The vendee was already holding the land in question on lease. No notice was necessary ; nor was any given.

(c) The offer referred to was received after the sale had been effected and the deed of sale executed by the vendee.

(d) Does not arise.

(ii) Does not arise.

MUNICIPAL COMMITTEE OF KASUR.

***3497. Sardar Jawahar Singh Dhillon:** (i) Will the Honourable Minister for Local Self-Government please state if it is a fact—

(a) that the Municipal Committee of Kasur in its resolution No. 1931, dated 17th November 1931, admitted having suffered a loss of Rs. 30,000 ;

(b) that the acting President of the Committee reported a loss of Rs. 17,000 on account of non-realization of terminal tax on hydraulic goods ;

(c) that the Secretary of the committee reported a loss of Rs. 2,500 on account of cancellation of water pump contracts ;

(d) that the Committee suffered a loss of Rs. 5,000 for non-realization of tax on 60 motor lorries imported within the municipal limits ;

[Sardar Jawahar Singh Dhillon.]

- (e) that the Committee suffered a loss of Rs. 4,000 for non-realization of terminal tax on salt imported for cleaning hides during the last 3 years ;
- (f) that the Committee suffered a loss of Rs. 1,500 by cancelling the *adda* lorry contract 1933 ;
- (g) that the Committee suffered a loss of Rs. 12,000 for giving the gas lighting contract at Rs. 18 per lamp for three years when there were offers of Rs. 10 per gas lamp ;
- (h) that the Committee suffered a loss of Rs. 300 paid as demurrage to railway for not taking the delivery of stone ballast in time ;
- (i) that the Committee suffered a loss of Rs. 4,500 for not filing appeal in the case *Jungul Das-Chaman Das versus the Committee* ;
- (j) that the Committee suffered a loss of Rs. 1,000 for not filing an appeal in the case *Committee versus the Light contractor* ;
- (k) that the Committee has suffered a loss of about Rs. 20,000 for non-realization of outstandings during the last 7 years ;
- (ii) if the replies to the above be in the affirmative whether the Honourable Minister for Local Self-Government intends holding a commission of enquiry to investigate the above losses and fix responsibility for the same ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

- (b) Yes.
- (c) Yes.
- (d) No.
- (e) No. The salt is exempt from terminal tax.
- (f) Yes. The lorry *adda* contract was cancelled to avoid a breach of the peace.
- (g) No. The contract was given at Rs. 16 per lamp and the contract was to continue till the introduction of electricity. No tenders were invited ; the contract was given to the man who had held it in the previous year, with a reduction in the rate of Rs. 2 per lamp. After the contract had been given out one Ghulam Hussain made an offer of Rs. 11-4-0 per lamp. The offer could not at this late stage be considered.
- (h) Yes.
- (i) The Committee was legally advised against filing an appeal.
- (j) In the case mentioned, an appeal was not filed, though the Committee had resolved to file one. The resulting loss cannot be estimated with any pretence of accuracy.
- (k) Outstanding dues aggregating Rs. 3,122-3-6 have become time-barred.
- (ii) As the result of the known mal-administration at Kasur, the local Government comparatively recently extended the Punjab Municipal (Executive Officer) Act, 1931, to this municipality. The appointment of an Executive Officer has already done much to rectify past irregularities. Gov.

ernment do not consider that any useful purpose would be served by the appointment of a commission of inquiry to investigate the old failings of this municipal committee.

**MUNICIPAL COMMITTEE, KASUR AND SALARIES OF THE PRIMARY SCHOOL
TEACHERS.**

***3498. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether the Municipal Committee, Kasur, reduced the salaries of the primary school teachers by 20 per cent. ;
- (b) whether the Inspector of Schools, Lahore, in his letter no. 11552, of 13th October 1931, informed the committee that the salaries of the school teachers be not reduced till Government has arrived at a decision on the point ;
- (c) whether the committee on 8th May 1933 in compliance with the above letter restored the cut of the school teachers ;
- (d) whether the committee in contravention of the above letter has again reduced the salaries of the poorly paid school teachers by 20 to 25 per cent. ;
- (e) whether any action is intended to be taken in the matter ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) No.

(c) The committee restored the cut on the representation of the school teachers themselves and not on the strength of any letter received from the Inspector.

(d) The Committee has reduced the salaries of the teachers by twenty per cent. The pay of the other employees of the Committee has been similarly reduced.

(e) No.

FISHERIES DEPARTMENT.

***3499. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) the total number of employees in each cadre of the Fisheries staff and the expenditure on them ; also the amount realised as revenue by the department and the amount by auctioning leases in different area ;
- (b) whether it is a fact that it is mainly for scientific purposes that the maintenance of trained out-door staff is necessary ;
- (c) the qualifications and duties of Fisheries Research Officer and how many days he has to spend in each circle with a view to studying facts relating to fish culture ;
- (d) whether the Fisheries Research Officer is also required to supervise the work of the out-door Fisheries staff ; if not, why not ?

The Honourable Sardar Sir Jogendra Singh : (a) —

1. Fisheries Research Officer	..	..	..	1
2. Inspector, Fisheries	..	..	..	1
3. Sub-Inspector, Fisheries	..	..	..	8
4. Deputy Sub-Inspector, Fisheries	..	..	..	6
5. Laboratory Assistant	..	..	..	1
6. Supervisor	..	..	..	1
7. Peons	..	..	..	10
8. Watchers	..	..	..	9
9. Boatmen	..	..	..	2
10. Clerks	..	..	..	2

Rs.

Expenditure on the above in 1933-34 .. 3,064

Total amount realised as revenue in 1933-34 .. 4,646

Amount by auctioning leases included in the above figures, is as follows—

	Rs.	A.	P.
Multan	2,586	0	0
Shahpur	1,300	0	0
Mianwali	3,529	0	0
Montgomery	4,119	0	0
Jhang	3,285	8	0
Lyallpur	380	0	0
Muzaffargarh	3,140	1	6
Sheikhupura	3,047	8	0
Total ..	21,287	1	6

(b) No. The duties of the out door staff are mainly the local administration of the Fisheries Act, but they also collect information for the Fisheries Research Officer when required.

(c) The Fisheries Research Officer is an M.Sc. in Zoology. His duties are investigation of problems relating to the breeding, feeding and diseases of fish.

The Fisheries Research Officer only tours to investigate problems connected with his research work. No limit is laid down.

(d) No, because he is concerned with research side of the work only.

INSPECTOR OF FISHERIES.

***3500. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Agriculture please state—

(a) whether it is a fact that on the retirement of Mr. Donald it was decided that the Fisheries Research Officer should also act as Warden of Fisheries ; if so, whether these orders were upset later on and for what reasons ;

- (b) whether it is also a fact that the Inspector of Fisheries is the only officer at present, who is directly in touch with the outdoor Fisheries staff in order to supervise their work; if so, what academic qualifications in the science of Zoology the Inspector of Fisheries possesses?

The Honourable Sardar Sir Jogendra Singh: (a) Yes. For reasons of administrative convenience.

- (b) Yes. None.

LEASE OF A PLOT OF LAND IN KASUR.

***3501. Sardar Jawahar Singh Dhillon:** Will the Honourable Member, Revenue be pleased to state—

- (a) whether a plot of land was leased out to the Mahant of Hindu shrine of Dera Baba Hari Har, Kasur, and whether the lease has been cancelled; if so, for what reasons and in whose favour it has been sanctioned now;
- (b) whether the lease money is the same in both cases;
- (c) if less in the second case, the reasons for the same?

The Honourable Sir Miles Irving: (a) It is a fact that a plot of nazul land was held on an annual lease by the Mahant of the shrine in his personal capacity. In 1930-31 the rent fell into arrears and on the lessee failing to pay in spite of frequent demands the lease was not renewed at the end of the year but sanctioned in favour of another lessee Sher Nawab.

- (b) Yes.
- (c) Does not arise.

PRINCIPALS OF GOVERNMENT COLLEGES.

***3502. Khwaja Muhammad Eusoof:** Will the Honourable Minister for Education please state—

- (a) the names of principals of the Government Colleges in the province who have been dragged to law courts;
- (b) the nature of the suits filed against them;
- (c) the decisions of the courts in each case?

The Honourable Malik Sir Firoz Khan Noon: The answer to this question is not ready, but I will be very grateful to the honourable member if he can tell me as to what he means by "dragging." Does he mean people who were dragged to the law courts physically or those who had criminal or civil cases lodged against them?

Khwaja Muhammad Eusoof: Under some law.

The Honourable Malik Sir Firoz Khan Noon: The point is whether it is right for the Government to go into private cases.

Khwaja Muhammad Eusoof: If the Government has any information, they can give.

The Honourable Malik Sir Firoz Khan Noon: I have no information; but if you have particular cases in view, e.g., cases of moral turpitude, then I shall be glad to enquire into them.

MUSLIMS IN THE OFFICE OF PRINCIPAL, VETERINARY COLLEGE.

***3503. Mr. Muhammad Din Malak :** (i) With reference to the reply given to the starred question No. 3192¹ asked on the 20th March 1934, will the Honourable Minister for Agriculture be pleased to state—

(a) how many officiating posts fell vacant in the Punjab Veterinary College during the last five years and out of them how many were given to Muslims and non-Muslims, respectively :

(b) whether the last officiating arrangement, *vice* the librarian, who went on leave in February 1934, was given to a Sikh instead of a Muslim ?

(ii) If the reply to (b) be in the affirmative, will the Honourable Minister please state how he reconciles this with the reply given by him to starred question No. 3192 ?

The Honourable Sardar Sir Jogendra Singh : (i) (a) 19 officiating posts, 9 given to Muslims, 5 to Sikhs and 5 to Hindus.

(b) Yes.

(ii) As this candidate had been employed in the library for over a year and was the only person who had learnt the Dewey Decimal System according to which the library is organised, he was appointed to officiate in the Librarian's absence on leave.

I regret that the reply given to starred Council question no. 3192 was based on incomplete information.

CHAUDHRI KAHAN SINGH, P. V. S., DEPUTY SUPERINTENDENT, CIVIL VETERINARY DEPARTMENT, SHEIKHPURA.

***3504. Mr. Muhammad Din Malak :** Will the Honourable Minister for Agriculture be pleased to state—

(i) (a) when Chaudhri Kahan Singh, P. V. S., at present Deputy Superintendent, Civil Veterinary Department, Sheikhpura, was taken into permanent Government service ;

(b) whether he produced a medical certificate of health, as required by Article 49, Civil Service Regulations and Fundamental Rule 10 ;

(ii) If not, why not ?

The Honourable Sardar Sir Jogendra Singh : The information is being collected and will be supplied to the honourable member when ready.

TECHNICAL DEPARTMENTS AND NON-TECHNICAL OFFICERS.

***3505. Mr. Muhammad Din Malak :** Will the Honourable Member for Finance please state in reference to the reply given to part (c) of starred question No. 1708², asked on 10th November 1932, namely "for technical education and technical institutes he (the Director of Industries) has the assistance of technical experts—"

(a) whether Government have decided as a matter of settled policy to allow laymen to hold charge of departments where technical knowledge and experience constitute the first requisite ;

- (b) the name of any technical department under him which is headed by an officer not possessed of the particular technical qualifications ;
- (c) the names of the technical departments in the province which to his knowledge are headed by officers not possessed of technical qualifications?

The Honourable Mr. D. J. Boyd : The attention of the honourable member is invited to the reply to be given by the Honourable the Minister for Local Self-Government to Council question no. *3509.¹

Mr. Muhammad Din Malak : But this is a separate question.

The Honourable Mr. D. J. Boyd : The answer is exactly the same.

Mr. Muhammad Din Malak : That is no answer. I rise to a point of order, Sir. The answer given by the Honourable Finance Member is no answer to my question. My question is :—

"Will the Honourable Member for Finance please state in reference to the reply given to part (c) of starred question no. 1703,² asked on 10th November 1932, namely "for technical education and technical institutes he (the Director of Industries) has the assistance of technical experts"—

- (a) whether Government have decided as a matter of settled policy to allow laymen to hold charge of departments where technical knowledge and experience constitute the first requisite ;
- (b) the name of any technical department under him which is headed by an officer not possessed of the particular technical qualifications ;
- (c) the names of the technical departments in the province which to his knowledge are headed by officers not possessed of technical qualifications ?

It is the privilege of the House to have a separate answer for each question.

The Honourable Mr. D. J. Boyd : If you permit the answer to question no. 3509¹ to be read first, perhaps it will be all right.

The Honourable Dr. Gokul Chand Narang : Question no. 1703¹ was originally put to me—

Mr. Muhammad Din Malak : He is not called upon to answer now.

Mr. President : One Government Member may delegate to another Government Member any functions assigned to him under the rules.

The Honourable Dr. Gokul Chand Narang : I will answer question no. 3509¹ :—

(a) No.

(b) and (c) There is no purely technical department which is headed by an officer not possessed of the required technical qualifications. In regard to the post of Director of Industries, in connection with which this question has arisen, the various duties of the post were stated in the reply to part (b) of starred Council question no. 1703² of 1932. To these may be added the administration of the Electricity Act—

Mr. Muhammad Din Malak : It is no reply to my question. If the Chair will look at my question, the reply which is being given by the Honourable Minister for Local Self-Government does not relate to this question.

Mr. President : What does the honourable member expect the Chair to do ?

¹Page 272 *infra*.

²Volume XXII, page 242.

Mr. Muhammad Din Malak : I respectfully repeat that my question as framed by me and as admitted by you and already printed on the order paper has to be replied. The Honourable Minister for Local Self-Government who had undertaken to reply, as I understand it, on behalf of the Honourable Finance Member has entered into explaining as to what are the duties of the Director of Industries. That is not my question. I do not ask for the duties of the Director of Industries.

Mr. President : Please allow him to finish his reply and if you wish to say anything further you may do so after his answer is finished.

The Honourable Dr. Gokul Chand Narang : In respect of the technical branches of his work the Director of Industries has qualified technical assistants who are virtually Heads of Departments in regard to their respective branches, e.g., the Inspectors of Factories, Boilers, Industrial Schools and the Electric Inspector.

It may interest the honourable member to know that with the exception of Bengal and Bombay the Directors of Industries in all provinces of India are Civilians possessing no technical qualifications as such.

Mr. Muhammad Din Malak : This is no reply to my question.

The Honourable Mr. D. J. Boyd : I am ready to answer my part of the question if the honourable member wishes :—

- (a) No.
- (b) none within my portfolio ;
- (c) It is very difficult to answer this ; I have no knowledge of other departments ; but there are none within my portfolio.

PUNJAB VETERINARY SERVICE, CLASS I.

***3506. Mr. Muhammad Din Malak :** (i) Will the Honourable Minister for Agriculture be pleased to state—

- (a) the total number of posts borne on the cadre of the Punjab Veterinary Service, Class I ;
 - (b) the percentage of Muslims, Hindus and Sikhs according to their population as shown in the Census Report of 1931 ;
 - (c) the number of posts held by agriculturists and non-agriculturists, respectively ?
- (ii) If the proportion of any community is inadequate what steps does Government intend to take in the matter, in pursuance of the policy stated by the Honourable Member for Finance in the debate in the Legislative Council on the 19th July 1927 ?

The Honourable Sardar Sir Jogendra Singh : (i) (a) 13, including the post of Live Stock Officer which has been held in abeyance indefinitely.

(b) —

<i>Muslims.</i>	<i>Hindus.</i>	<i>Sikhs.</i>
56.54 per cent.	26.83 per cent.	12.99 per cent.

(c) Excluding five Europeans and the post of Live Stock Officer (which has been held in abeyance indefinitely), the remaining 7 posts are held by agriculturists and non-agriculturists as under :—

<i>Agriculturists.</i>	<i>Non-agriculturists.</i>
3	4

(ii) For class I posts in a technical service Government is bound to select the best candidates available. Appointments are to be made on the advice of the Public Service Commission who have been informed that other things being equal agriculturists are preferred.

CHAUDHRI KAHAN SINGH, PUNJAB VETERINARY SERVICE.

***3507. Mr. Muhammad Din Malak :** (i) Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether Chaudhri Kahan Singh, P. V. S., was temporarily promoted to the post of Deputy Superintendent, Civil Veterinary Department, in 1925 when he was put in charge of the duties of Camel Specialist, Sohawa Laboratory ;
- (b) whether there was any post borne on the cadre of the Sohawa laboratory ;
- (c) if not, whether there was any vacant post of Deputy Superintendent on the district cadre against which he was so promoted or whether any new post of Deputy Superintendent was temporarily created for him ?

(ii) If the replies to (b) and (c) be in the negative, will the Honourable Minister please state how Chaudhri Kahan Singh was allowed by the Audit office to draw the pay of the provincial grade ?

The Honourable Sardar Sir Jogendra Singh : (i) (a) In 1923.

(b) A statement showing the sanctioned cadre is laid on the table.

(c) No.

(ii) Government has no information, but an enquiry is being made from the Audit Office and the result will be communicated to the honourable member in due course.

				Rs.
1. Officer-in-charge	..	..	..	1, Grade 200—750.
2. Veterinary Inspector	..	..	..	1, Grade 120—170.
3. Veterinary Assistant	..	..	..	1, Grade 90.
4. Veterinary Assistant	..	..	..	1, Grade 75.
5. Clerk	..	..	..	1, Grade 40—90.
6. Laboratory Assistant	..	..	..	1, Grade 25—35.
7. Laboratory Attendant	..	..	..	1, Grade 20—30.
8. Chapraisi	..	..	..	2, Rs. 14 per mensem each.
9. Chowkidar	..	..	..	1, Rs. 13 per mensem.
10. Khalasi	..	..	..	1, Rs. 13 per mensem.
11. Bhishti	..	..	..	1, Rs. 13 per mensem.
12. Sweepers	..	..	..	2, Rs. 13 per mensem each.

CHAUDHRI KAHAN SINGH.

***3508. Mr. Muhammad Din Malak :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) what pay was allowed to Chaudhri Kahan Singh when he was probationary Deputy Superintendent, Civil Veterinary Department ;
- (b) whether it is a fact that Deputy Superintendents, Civil Veterinary Department, are, as a rule, allowed Rs. 200 per mensem during their probationary period ;
- (c) whether it is a fact that this rate of pay was allowed to all Deputy Superintendents on probation during the last ten years with the exception of Chaudhri Kahan Singh, Deputy Superintendent, Civil Veterinary Department ?

[Mr. Muhammad Din Malik.]

(ii) If the replies to (b) and (c) be in the affirmative, will the Honourable Minister please state the special circumstances which necessitated departure from the usual practice in the case of Chaudhri Kahan Singh?

The Honourable Sardar Sir Jogendra Singh : The answer to this Council question is not yet ready. It will be communicated to the honourable member when ready.

TECHNICAL DEPARTMENTS AND NON-TECHNICAL OFFICERS.

***3509. Mr. Muhammad Din Malik :** Will the Honourable Minister for Local Self-Government please state in reference to the reply given to part (c) of starred question No. 1703¹, namely, "for technical education, and technical institutes he (the Director of Industries) has the assistance of technical experts"—

- (a) whether Government have decided as a matter of settled policy to allow laymen to hold charge of departments where technical knowledge and experience constitute the first requisite;
- (b) the name of any other technical department under him which is headed by an officer not possessed of the particular technical qualifications;
- (c) the names of the technical departments in the province which to his knowledge are headed by officers not possessed of technical qualifications?

(For answer see pages 269-70 ante.)

TECHNICAL DEPARTMENTS AND NON-TECHNICAL OFFICERS.

***3510. Mr. Muhammad Din Malik :** Will the Honourable Minister for Education please state, in reference to the reply given to part (c) of starred question No. 1703¹, namely, "for technical education and technical institutes he (the Director of Industries) has the assistance of technical experts"—

- (a) whether Government have decided as a matter of settled policy to allow laymen to hold charge of departments where technical knowledge and experience constitute the first requisite;
- (b) the name of any technical department under him which is headed by an officer not possessed of the particular technical qualifications;
- (c) the names of the technical departments in the province which to his knowledge are headed by officers not possessed of technical qualifications?

The Honourable Malik Sir Firoz Khan Noon : The question has never arisen in this Ministry to my knowledge and the three officers working under this Ministry, namely, the Director of Public Instruction, the Inspector General of Civil Hospitals and the Director of Public Health, are all specialists in their own line.

TECHNICAL DEPARTMENTS AND NON-TECHNICAL OFFICERS.

***3511. Mr. Muhammad Din Malik :** Will the Honourable Minister for Agriculture please state in reference to the reply given to part (c) of starred question No. 1703¹, namely, "for technical education and technical

institutes he (the Director of Industries) has the assistance of technical experts,"—

- (a) whether Government have decided as a matter of settled policy to allow laymen to hold charge of departments where technical knowledge and experience constitute the first requisite ;
- (b) the name of any technical department under him which is headed by an officer not possessed of the particular technical qualifications ;
- (c) the names of the technical departments in the province which to his knowledge are headed by officers not possessed of technical qualifications ?

The Honourable Sardar Sir Jogendra Singh : The attention of the honourable member is invited to the reply given by the Honourable Minister for Local Self-Government to starred Council question No. *3509.¹

Mr. Muhammad Din Malak : I repeat my objection.

The Honourable Sardar Sir Jogendra Singh : If you want a reply I can give it :—

- (a) There is no settled policy for all departments.
- (b) and (c) All the departments in my portfolio are under technical officers and specialists in their line.

TECHNICAL DEPARTMENTS AND NON-TECHNICAL OFFICERS.

***3512. Mr. Muhammad Din Malak :** Will the Honourable Member for Revenue please state in reference to the reply given to part (c) of starred question No. 1703,² namely, "for technical education and technical institutes he (the Director of Industries) has the assistance of technical experts,"—

- (a) whether Government have decided as a matter of settled policy to allow laymen to hold charge of departments where technical knowledge and experience constitute the first requisite ;
- (b) the name of any technical department under him which is headed by an officer not possessed of the particular technical qualifications ;
- (c) the names of the technical departments in the province which to his knowledge are headed by officers not possessed of technical qualifications ?

The Honourable Sir Miles Irving : (a) No.

(b) With the partial exception of the Electricity Act to which reply has already been given in starred question No. 3509.¹

(c) I am not in a position to state the facts relating to other departments.

RAM GOPAL, A LAMBARDAR OF NARAINGARH.

***3513. Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the naib-tahsildar of Naraingarh tahsil in the Ambala district abused and belaboured severely one Ram Gopal, a lambardar of Naraingarh, in a public street at Naraingarh with a stick and shoes on or about the 2nd June, 1934, while investigating an application about a street there ;

[Ch. Allah Dad Khan.]

- (b) whether he is aware that in the course of the beating the end of the stick hit an artery in the stomach of Ram Gopal in (a) and that he has been lying ill for a week on account of hit ;
- (c) whether he is aware that Ram Gopal and his friends went to the police station Naraingarh to make a report of the incidents in (a) but were prevented from making a report by the naib-tahsildar with the help of some other persons ;
- (d) whether he is aware that a telegram to the Deputy Commissioner, Ambala, embodying the facts in (a) was written by Ram Gopal and other lambardars of the Naraingarh town and handed in at the telegraph office at Naraingarh and that it was returned to them unsignalled on account of the intervention of the naib-tahsildar ;
- (e) if the answer to (b) is in the affirmative whether Government proposes compensation to be paid to Ram Gopal by the naib-tahsildar in (a), if so, how much ;
- (f) what other action the Government intends to take in the matter referred to above ?

The Honourable Sir Miles Irving : (a) and (b) No, so far as Government have been able to discover ;

(c) and (d) Government have no information of the naib-tahsildar being involved in any such incidents ;

(e) Does not arise.

(f) None.

WOMAN OF VILLAGE PAKASMA IN ROHTAK DISTRICT KILLED BY DACOITS.

***3514. Chaudhri Ram Sarup :** Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that a woman belonging to village Pakasma in the Rohtak district was killed by dacoits while she was remonstrating with them against an iniquitous conduct ;
- (b) if so, whether any reward was given to the heirs of this woman or any recognition was shown officially to her family ?

The Honourable Mr. D. J. Boyd : (a) Yes, but she was merely standing in the doorway of her house and raising an outcry like many others.

(b) No.

GIRLS IN GIRLS' NORMAL SCHOOL, ROHTAK.

***3515. Chaudhri Ram Sarup :** Will the Honourable Minister for Education kindly state—

- (a) the number of girls who joined the Girls' Normal School of Rohtak in 1933-34 ;
- (b) the number of girls who belong to the Rohtak district ;

- (c) the number of girls who belong to Rohtak town;
- (d) the number of girls who come from rural areas, that is from places which are neither municipal towns nor small towns or notified areas;
- (e) what is the accommodation in the boarding house attached to the Normal School;
- (f) how many girls were originally admitted to the boarding house and how many of them left the boarding house later on?

The Honourable Malik Sir Firoz Khan Noon: The required information is being collected and will be supplied to the honourable member when ready.

GIRLS' SCHOOLS IN THE ROHTAK DISTRICT.

***3516. Chaudhri Ram Sarup:** Will the Honourable Minister for Education kindly state—

- (a) the number of girls' schools in the Rohtak district;
- (b) the number of girls reading in girls schools in rural areas;
- (c) the number of girls' schools teaching up to the 5th or higher classes;
- (d) whether it is a fact that the girls reading in the 5th class are examined by the District Inspectress of schools before they can be promoted to the 6th class;
- (e) if the answer to (d) is in the affirmative, whether it is a fact that the girls reading in the 5th class in many of the schools were not examined up to the first of June 1934 in spite of the fact that admission to higher classes depends on the result of this examination and had already closed in April?

The Honourable Malik Sir Firoz Khan Noon: The information is being collected and will be communicated to the honourable member when ready.

GIRLS' SCHOOLS IN THE ROHTAK DISTRICT.

***3517. Chaudhri Ram Sarup:** Will the Honourable Minister for Education kindly state the names of girls' schools in the Rohtak district teaching up to the 5th or higher classes and the dates on which these schools were inspected by the District Inspectress of Schools in the months of February, March, April and May?

The Honourable Malik Sir Firoz Khan Noon: Since the question was received on the 19th June, 1934, it was not possible to obtain the requisite information in time. It is, however, being collected and will be supplied to the honourable member when ready.

GIRLS READING IN THE 5TH CLASS IN THE ROHTAK DISTRICT.

***3518. Chaudhri Ram Sarup:** Will the Honourable Minister for Education kindly state—

- (a) whether it is a fact that many girls reading in the 5th class were not examined in time in the Rohtak district to enable them to pass their examination and join higher classes;

[Ch. Ram Sarup.]

(b) if so, what steps the department proposes in order to see that these girls do not lose a year of their precious life without any fault of their own?

The Honourable Malik Sir Firoz Khan Noon : The question was only received in the Department on 19th June. A reference has been made to the local officers and an answer to the honourable member's question will be communicated to him when their report has been received.

GIRLS IN THE GIRLS' HIGH SCHOOL, ROHTAK.

***3519. Chaudhri Ram Sarup :** Will the Honourable Minister for Education kindly state the number of girls reading in the Girls' High School, Rohtak, and the number of statutory agriculturists among them?

The Honourable Malik Sir Firoz Khan Noon : —

Number of girls	..	..	..	85
Number of statutory agriculturists	..	..	..	14

GIRLS IN THE NORMAL SCHOOL, ROHTAK.

***3520. Chaudhri Ram Sarup :** Will the Honourable Minister for Education kindly state the number of girls reading in the Normal School, Rohtak, and the number of statutory agriculturists among them?

The Honourable Malik Sir Firoz Khan Noon :

Number of girls	..	..	..	72
Number of statutory agriculturists	..	..	..	30

HINDU JAT AS INSPECTOR OF POLICE.

***3521. Chaudhri Ram Sarup :** Will the Honourable Finance Member kindly state whether it is a fact that in 1918 in answer to a question put by Rao Bahadur Chaudhri Lal Chand, Government held out an assurance that at least one Hindu Jat will be recruited directly as Inspector of Police as soon as vacancies occur? If so, how many persons have been recruited directly as Inspectors of Police since 1918 and was any of them a Hindu Jat? If not, has Government any intention of redeeming that assurance?

The Honourable Mr. D. J. Boyd : No such assurance was given. It was, however, stated that the Inspector-General of Police is always prepared to consider the claims of any Hindu Jat candidates who have the necessary qualifications. Sixteen direct appointments of Inspectors of Police have been made since 1918, but none was a Hindu Jat. The policy of Government in this matter remains the same as was indicated by the reply to the previous question on the subject.

DEPUTY SUPERINTENDENTS OF POLICE.

***3522. Chaudhri Ram Sarup :** Will the Honourable Finance Member kindly state—

(a) the number of candidates recruited directly as Deputy Superintendents of Police since 1920;

- (b) whether any of them was a statutory Hindu agriculturist ;
- (c) whether any of them were from the Ambala division ;
- (d) if so, what were their names ?

The Honourable Mr. D. J. Boyd : (a) Five.

(b) and (c) No.

(d) Does not arise.

SUSPENSION OR DISMISSALS OF ZAILDARS, SUFEDPOSHERS AND LAMBARDARS.

***3523. Chaudhri Ram Sarup :** Will the Honourable Finance Member kindly state—

- (a) the number of zaildars, sufedposhes or lambardars who have been either suspended or dismissed for having failed to arrest or to give any information with regard to the whereabouts of absconders in the Rohtak district ;
- (b) whether any member of the police force has either been suspended or dismissed for having failed to be sufficiently alert and active in the matter of tracing or arresting absconders ?

The Honourable Mr. D. J. Boyd : If the honourable member will kindly mention the period to which he refers I shall be glad to supply the information required.

A MAN KILLED WHILE GIVING CHASE TO DACOITS IN ROHTAK DISTRICT.

***3524. Chaudhri Ram Sarup :** Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that a young man belonging to village Bidhlan in the Rohtak district was killed while giving chase along with others to a band of dacoits ;
- (b) if so, whether any reward was given to his heirs or any recognition shown officially to his family ?

The Honourable Mr. D. J. Boyd : (a) Yes.; four years ago.

(b) No.

SHORT NOTICE QUESTIONS AND ANSWERS.

ELECTION TO MUNICIPAL COMMITTEE, SARGODHA.

1. Sardar Sahib Sardar Ujjal Singh : (a) Is the Honourable Minister or Local Self-Government aware that election of members to Municipal Committee, Sargodha, was held on 15th to 18th December, 1933, and results declared on 19th December ;

(b) is he also aware that the names of elected members have not so far been notified in the Government Gazette ; if not, the reason for the same ?

2. Sardar Sahib Sardar Ujjal Singh : (a) Will the Honourable Minister for Local Self-Government please state the period under the Municipal Election Rules within which the Deputy Commissioner of a district should forward the names of the successful candidates to the Commissioner in the case of a second class municipality ?

[S. S. Sardar Ujjal Singh.]

(b) Did the Deputy Commissioner, Shahpur district, comply with the election rules in the case of the Sargodha Municipality? If not, why not?

3. Sardar Sahib Sardar Ujjal Singh : Will the Honourable Minister for Local Self-Government be pleased to state whether he has received any representation on the subject of election of members to Municipal Committee, Sargodha, from the Sargodha Ratepayers' Association? If so, what action has he been pleased to take in the matter?

The Honourable Dr. Gokul Chand Narang : It is very difficult on this short notice to give a detailed reply to the questions put by the honourable member but I expect it would satisfy him to know that on a representation received in connection with this matter a report has already been requisitioned from the Commissioner and that on receipt of it necessary action will be taken.

APPOINTMENT OF REVENUE MEMBER.

4. Khan Bahadur Sardar Habib Ullah : (a) Will the Honourable Finance Member please state if the attention of Government has been drawn to the disappointment and indignation expressed in the Indian press on the appointment of a non-Indian in the leave vacancy of Sir Sikander Hyat Khan?

(b) If so, will he please state why the appointment was made against the established convention and the deliberate recommendation contained in clause 5 of the Joint Select Committee's report?

The Honourable Mr. D. J. Boyd : (a) Government have seen various opinions on the subject in the Indian press; but they have by no means been all of the character suggested by the honourable member.

(b) The honourable member presumably has in mind the views of the Joint Select Committee as expressed in their comments on clause 5 of the draft bill of the present Government of India Act. These are contained in paragraph 7 and not paragraph 5 of their report. So far as permanent Members of the Executive Council are concerned, the arrangement is in accordance with the recommendations of the Joint Select Committee. The present acting arrangements, which are for a short period only, were made in order to avoid two changes in the charge of the portfolio within a few months. There was no intention on the part of the Governor in Council to create any precedent, nor will the arrangements made in exceptional circumstances be regarded by him as a precedent.

APPOINTMENT OF REVENUE MEMBER.

5. Khan Bahadur Sardar Habib Ullah : Will the Honourable Finance Member please state—

(a) if it is a fact that the reserve half of the Punjab Cabinet has never been without an Indian member like other provincial Cabinets;

(b) if it is a fact that the Indian Members of the provincial Executive Council, besides administering the departments placed in their charge, are consulted in matters relating to important

questions of policy, especially as regards reforms and the opinions of Indian members of the reserved half of provincial Government have on many important points, in the past, been different from the opinions held by the official members ;

- (c) if it is a fact that during these days, opinions on questions of provincial autonomy are being raised in England ?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) For a description of the relations prevailing within the Executive Government and of its method of working I would refer the honourable member to paragraphs 39 and 40 of Chapter VIII of Volume I, Part I of the Memorandum prepared by the Punjab Government for the use of the Indian Statutory Commission. The description there given still holds good. It will be seen that it is the practice in the Punjab Government to consult freely with Indian Members of the Government, including the Ministers, in all matters of common interest. These, of course, include matters relating to constitutional reform. I shall not be revealing matters of a confidential character when I say that it is inevitable that from time to time there should be difference of opinion on some matters—as between officials themselves ; between officials and non-officials ; and between non-officials themselves. Nevertheless, in the words of the Memorandum already quoted :—

“ Neither side feels that any vital interest has been jeopardized. The set-backs which the system has forced them to accept have been outweighed by the achievement of a very substantial measure of constructive work in the development of the province.”

- (c) Yes.

APPOINTMENT OF REVENUE MEMBER.

6. Khan Bahadur Sardar Habib Ullah : Will the Honourable Finance Member please state—

- (a) whether the Cabinet deciding that an Indian need not be appointed to fill the temporary vacancy caused by the leave of Sir Sikander Hyat Khan, included an Indian Member ;
(b) whether Ministers were consulted collectively in a meeting or individually, and if so, what were their joint or individual opinions ;
(c) whether this temporary appointment was offered to any Indian, and if so, when ?

The Honourable Mr. D. J. Boyd : (a) and (b) The decision was made by the present Governor in Council under section 92 (3) of the Government of India Act.

- (c) It is not in the public interest to disclose opinion which is obviously of a highly confidential nature.

POLICY IN THE EDUCATION DEPARTMENT.

7. Khan Bahadur Nawab Chaudhri Fazal Ali : (a) Has the attention of the Honourable Minister for Education been drawn to a series of letters which have recently appeared in the *Tribune* over the signature

[K. B. Nawab Ch. Fazal Ali.]

of Rai Bahadur Lala Sewak Ram holding Khan Bahadur Shaikh Nur Elahi, Assistant Director of Public Instruction, responsible for the general policy of the Department and for all appointments and promotions and alleging that the present policy of the Department is pro-Muslim?

(b) Will the Honourable Minister kindly state how far the allegations made in the said letters both with reference to Khan Bahadur Shaikh Nur Elahi and the general policy of the Department are true?

The Honourable Malik Sir Firoz Khan Noon : It is a lengthy answer and I shall lay it on the table.

Mian Nurullah : Does it take away the right of honourable members to put supplementary questions.

Mr. President : If the answer is a lengthy one it may be laid on the table. That is enough.

Rai Bahadur Lala Sewak Ram : Then it means that in regard to supplementary questions we have to give notice of them.

Mr. President : Yes.

The Honourable Malik Sir Firoz Khan Noon : (1) (a) Yes.

(b) After a close and careful scrutiny of the cases mentioned by Rai Bahadur Lala Sewak Ram in his letters to the press, Government is fully convinced that the allegations are without foundation.

2. All the appointments and promotions mentioned in the honourable member's letter published in the *Tribune* of April 11th, 1934, are either in the Provincial Educational Service or in the Subordinate Educational Service above the grade of Rs. 110—5—135, and Khan Bahadur Shaikh Nur Elahi is not concerned with them either directly or indirectly. With reference to the specific cases mentioned, the files when going up to the Director of Public Instruction did not even pass through the hands of the Assistant Director, except in the three following cases:—

- (i) In the case of No. 1 of the letter under reference, the Assistant Director suggested the name of a Sikh in place of Sardar Sadhu Singh but the Director overruled this suggestion and appointed a Muslim.
- (ii) In the case of Mr. Abdur Rashid, No. 2, of Ludhiana, a very strong recommendation was received from Mr. Harvey which the Assistant Director merely passed on to the Director.
- (iii) With reference to No. 9, Mr. Siraj Din, Mr. Garrett, Principal, Government College, Lahore, and Mr. Dickinson, Head of the English Department of that college, very strongly recommended the appointment to the Provincial Educational Service. The Assistant Director, however, suggested that he should in the first instance be appointed to the Subordinate Educational Service and he was so appointed. Later on strong representations from Mr. Garrett, Mr. Parkinson, when officiating as Director of Public Instruction, recommended him for promotion to the Provincial Educational Service, which was done. It may be mentioned that Mr. Siraj Din is an M. A. (first Division) in English of the Punjab University

and a B. Litt. of the University of Oxford; no officer in the Provincial Educational Service (class II) or in the Subordinate Educational Service has such high qualifications in this subject.

3. With regard to Mr. Fazal Din, No. 7, it may be pointed out that he was transferred to Simla on Mr. Wilson's advice before Khan Bahadur Shaikh Nur Elahi became Assistant Director. It may also be noted that he is an Indian Christian and not a Muslim.

4. Of the eleven instances mentioned by the honourable member in his letter published on April 22, 1934, eight did not fall within the province of the Assistant Director of Public Instruction and therefore were not dealt with by him. Of the remaining three, one was decided before his time. In the second case, the man was reverted because the Inspector reported him as inefficient, the substitute being appointed by the Inspector himself according to the prevailing practice. In the third case, the appointment was made by the Principal, Government College, Lahore.

5. The honourable member's letter published on the 25th of April, 1934, mentions that Khan Bahadur Shaikh Nur Elahi has arrogated to himself the duties of other officers in the office of the Director of Public Instruction. The fact, however, is that Khan Bahadur is discharging the same duties and functions as his predecessors in office did. The honourable member's letter published on April 28, 1934, complains of the present communal proportion in the office of the Director of Public Instruction. This is as follows :—

	Per cent.
Muslims	46.4
Hindus	35.2
Sikhs	9.8
Christians	8.4

These figures do not indicate that the Muslims are over-represented in the office. At all events, the Assistant Director is not responsible for this proportion. The present Assistant Director has made only one appointment in the office, a Hindu. As regards promotions, the Assistant Director has made only two, one of which has gone to the seniormost clerk in the office, a Muslim and the other to a Hindu. It may be added here that for more than 20 years there was no Muslim head assistant in the office of the Director of Public Instruction. Inspectors and headmasters are selected by the Director and not by the Assistant Director as alleged by Rai Bahadur Lala Sewak Ram.

6. In his letter published on May 4, 1934, the honourable member mentions certain cases of promotions. All these are cases of officers above the grade of Rs. 110—5—135 in the Subordinate Educational Service, and the Assistant Director is not at all concerned. It may, however, be added that transfer from the teaching line to the inspectorate or *vice versa* is neither promotion nor reduction and that therefore in the case of Chaudhri Pran Nath and Lala Hardayal Chopra there has been no reduction or degradation; similar action was taken in the case of Mufti Ahmad Said, District Inspector of Schools, Gurgaon, and Pir Wilayat Shah, District Inspector of Schools,

[The Hon. Malik Sir Firoz Khan Noon.]

Attock. Moreover, Lala Hardayal Chopra's transfer to the teaching line took place before Khan Bahadur Shaikh Nur Elahi became Assistant Director. As regards M. Khurshaid Hasan, his promotion to Rs. 200—10—250 grade was made before the present Director and Assistant Director were appointed to their present posts.

7. In his letter published on May 12, 1934, the honourable member complains that in the Simla move the Muslims have been specially favoured by the Assistant Director. The only communal change that has taken place this year is that a Hindu clerk has been replaced by a Sikh clerk; the Muslim proportion remains the same as before.

8. It will thus be clear that the honourable member was not in possession of the true facts of the various cases and it is to be regretted that he did not verify them before he made allegations which are contrary to facts and thus created false impressions in the public mind.

9. As regards the general policy of the department three statements are laid on the table showing the relative position of each of the communities in 1926 and 1934 in respect of representation in services, amounts of grants-in-aid received, and the proportion of the recognised schools.

STATEMENT I.

Names of communi- ties.	NUMBER OF POSTS AND PERCENTAGES ON 31ST DECEMBER 1926.		NUMBER OF POSTS AND PERCENTAGES ON 30TH APRIL 1934.		REMARKS.
	Posts.	Percentages.	Posts.	Percentages.	
INDIAN EDUCATIONAL SERVICE (MEN'S BRANCH).					
Hindus ..	6	18.7	3	25	
Muslims ..	3	9.4	1	8.3	
Sikhs ..	1	3.1	..	..
Christians ..	22	68.7	8	66.3	
Total ..	32	99.9	12	99.6	
PUNJAB EDUCATIONAL SERVICE (MEN'S BRANCH) CLASS I.					
Hindus ..	..	..	1	10	3 officiating.
Muslims ..	..	..	3	30	3 officiating.
Sikhs ..	..	..	1	10	1 officiating.
Christians ..	..	..	5	50	
Total ..	..	..	10	100	

STATEMENT I.—continued.

Names of communi- ties.	NUMBER OF POSTS AND PERCENTAGES ON 31ST DECEMBER 1926.		NUMBER OF POSTS AND PERCENTAGES ON 30TH APRIL 1934.		REMARKS.
	Posts.	Percentages.	Posts.	Percentages.	
PUNJAB EDUCATIONAL SERVICE (MEN'S BRANCH) CLASS II.					
Hindus ..	38	39.6	48	44.0	
Muslims ..	36	37.5	41	37.6	
Sikhs ..	15	15.6	15	13.7	
Christians ..	7	7.3	4	3.6	
Others ..	..	..	1	.9	
Total ..	96	100.0	109	99.8	
SUBORDINATE EDUCATIONAL SERVICE (MEN'S BRANCH) CLASS I (Rs. 200—10—250).					
Hindus ..	30	50.0	46	49.4	
Muslims ..	19	31.6	32	34.4	
Sikhs ..	9	15.0	13	13.9	
Christians ..	2	3.3	2	2.2	
Total ..	60	99.9	93	99.9	
CLASS II (Rs. 140—190).					
Hindus ..	81	47.1	100	44.4	
Muslims ..	61	35.4	85	38.2	
Sikhs ..	29	16.8	33	14.2	
Christians ..	1	.5	7	3.1	
Total ..	172	99.8	225	99.9	
CLASS III (Rs. 110—5—135).					
Hindus ..	115	49.1	180	51.9	
Muslims ..	89	38.0	115	37.3	
Sikhs ..	27	11.5	32	10.3	
Christians ..	3	1.2	1	.3	
Total ..	234	99.8	308	99.8	

[The Hon. Malik Sir Feroz Khan Noon.]

STATEMENT I—concluded.

Names of communities.	NUMBER OF POSTS AND PERCENTAGES ON 31ST DECEMBER 1926.		NUMBER OF POSTS AND PERCENTAGES OF 30TH APRIL 1934.		REMARKS.
	Posts.	Percentages.	Posts.	Percentages.	
CLASS IV (Rs. 80—4—100).					
Hindus ..	115	50.4	115	47.7	
Muslims ..	92	40.3	94	39.0	
Sikhs ..	20	8.7	31	12.8	
Christians ..	1	.4	1	.4	
Total ..	228	99.8	241	99.9	
CLASS V (Rs. 55—3—70).					
Hindus ..	108	48	46	36.8	
Muslims ..	90	40	58	46.4	
Sikhs ..	27	12	21	16.8	
Christians ..	..	..	..	..
Total ..	225	100	125	100.0	
SUBORDINATE EDUCATIONAL SERVICE (MEN'S BRANCH).					
Hindus ..	449	48.8	467	47.1	
Muslims ..	351	38.1	384	38.7	
Sikhs ..	112	12.1	130	13.1	
Christians ..	7	.7	11	1.1	
Total ..	919	99.7	992	100.0	

STATEMENT II.

Statement showing the number and percentage of recognised high and anglo-vernacular middle schools for boys belonging to the various communities in the Punjab.

Names of communities.	1926.		1934.	
	Number of schools.	Percentage.	Number of schools.	Percentage.
Hindus	127	43·35	132	42·17
Muslims	55	18·77	53	18·53
Sikhs	72	24·57	85	27·16
Christians	34	11·60	28	8·95
Others	5	1·71	10	3·19
Total	293	..	313	..

STATEMENT III.

Statement showing the proportion of maintenance grants paid to anglo-vernacular secondary schools for boys belonging to various communities in the Punjab during 1926 and 1934.

Names of communities.	1926.		1934.	
	Amount of grant.	Percentage.	Amount of grant.	Percentage.
	Rs.		Rs.	
Hindus	3,62,748	35·96	2,38,460	35·73
Muslims	2,15,606	21·38	1,38,928	20·81
Sikhs	2,35,220	23·32	1,81,912	27·26
Christians	1,72,105	17·06	1,03,968	15·53
Others	22,992	2·28	4,146	0·62
Total	10,08,671	..	6,67,414	..

UNSTARRED QUESTIONS AND ANSWERS.

CHAUDHRI SHER JUNG, PRISONER, MULTAN CENTRAL JAIL.

881. Chaudhri Afzal Haq : Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that Chaudhri Sher Jang who is serving his term of imprisonment in New Multan Central Jail is kept in a separate cell ;
- (b) whether it is a fact that Chaudhri Sher Jang was allowed for years to live in barracks with other Civil Disobedience prisoners ;
- (c) if so, why he is now kept in a separate cell ;
- (d) whether it is a fact that his health has been shattered since he has been kept in a separate cell ?

The Honourable Mr. D. J. Boyd : The information asked for by the honourable member is being obtained and will be communicated to him when received.

MUHAMMADAN ZAILDARS IN THE AMRITSAR DISTRICT.

882. Chaudhri Afzal Haq : Will the Honourable Finance Member be pleased to state—

- (a) the number of Muhammadans as compared with other communities in Amritsar district according to the latest census ;
- (b) the number of Muhammadan zaildars as compared with other communities in the Amritsar district ;
- (c) the number of Muhammadan members of the District Board, Amritsar, as compared with other communities ;
- (d) what Government proposes to do to make up the deficiency of Muhammadans in the District Board, Amritsar, and in the cadre of Amritsar district zaildars ?

The Honourable Sir Miles Irving : (a) The number of Muslims as compared with other communities according to the latest census is :—

	Amritsar district (Whole).	Amritsar district (Board Area.)
Muslims	527,676	373,805
Sikhs	399,951	359,882
Non-Muslims	192,493	82,417
Total	1,117,120	816,104

(b) There are 9 Muslim zaildars as compared with 84 of other communities.

(c) There are 10 Muslim District Board members as compared with 26 others.

(d) The Muslims have already been appointed to 5 out of the 6 seats reserved for nominated non-officials. Religion has been held to be not one of the factors laid down in the Revenue rules as determining appointment to the post of zaildar under land revenue rule 5.

ESTABLISHMENT IN THE OFFICE OF THE INSPECTOR-GENERAL OF
POLICE, PUNJAB.

883. Mr. Muhammad Din Malak : Will the Honourable Member for Finance kindly state—

- (a) the number and percentage of Muslim head assistants, assistants, senior clerks and junior clerks in the office of the Inspector-General of Police, Punjab, and the offices subordinate to it, giving the latest details regarding each office;
- (b) if the number and percentage of Muslims in the offices mentioned in (a) is almost negligible, what action the Government proposes to take for removing the existing communal inequality?

The Honourable Mr. D. J. Boyd : (a) A statement is laid on the table.

(b) Since the percentage of Muslims employed in the police clerical cadre is 88, this question does not arise.

[The Hon. Mr. D. J. Boyd.]

I.—Statement showing the Muslim and non-Muslim establishment of the

Name of office.	SUPERIN- TENDENT.		HEAD ASSISTANTS.		LADY STENO- GRAPHERS.		RANGE AUDITORS.	
	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.
Central Police Office	1	1	2	..	2	..	..
Criminal Investigation Department, Punjab.	..	1	..	2	..	1	..	..
Criminal Tribes Office
Deputy Inspector-General, Eastern Range's Office.	1
Deputy Inspector-General, Central Range's office.	1	..
Deputy Inspector-General, Western Range's office.	1
Assistant Inspector-General, Gov- ernment Railway Police's office.
M. V. I. Staff, Lahore
M. V. I. Staff, Ambala
M. V. I. Staff, Multan
M. V. I. Staff, Rawalpindi
M. V. I. Staff, Amritsar
Senior Superintendent Police's office, Lahore.
Superintendent Police's office, Am- ritsar.
Superintendent Police's office, Mul- tan.
Superintendent Police's office, Ra- walpindi.
Superintendent Police's office, Mont- gomery.
Total	..	2	1	4	..	3	1	2
	2		5		3		3	

Name of appointment.

Superintendent	..	..	..	..
Head assistant	..	..	..	..
Lady stenographers	..	..	..	..
Range auditors	..	..	..	..
Assistants	..	..	..	..
Senior clerks	..	..	..	..
Junior clerks and reserve clerks	..	..	..	..
Munshi	..	..	..	..

Central Police Office and offices subordinate thereto, on 20th June 1934.

ASSIST- ANTS.		SENIOR CLERKS INCLUDING STENOGRAPHERS.		JUNIOR CLERKS.		RESERVE CLERKS.		MUNSHI.		TOTAL.	
Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.
1	4	1	3	3	9	2	1	1	..	..	..
4	1	5	5	7	7	2	1	..	..	..	..
..	..	..	1	1	..	..	..	..	..	..	..
..	1	2	2	1	1	..	..	..	..	..	..
..	1	1	3	2	..	..	..	..	..	..	..
..	1	..	3	1	1	..	..	..	..	..	..
..	1	1	4	1	7	..	..	..	..	..	..
..	..	..	..	1	..	..	..	..	..	..	..
..	..	..	..	..	1	..	..	..	..	..	..
..	..	..	..	1	..	..	..	..	..	..	..
..	..	..	..	..	1	..	..	..	..	..	..
..	..	1	..	..	..	..	..	..	..	..	..
..	..	1	..	..	..	..	..	..	..	..	..
..	..	1	..	..	..	..	..	..	..	..	..
..	..	..	1	..	..	..	..	..	..	..	..
..	..	..	1	..	..	..	..	..	..	..	..
5	9	13	23	19	27	4	2	1	..	44	72
14		36		46		6		1		116	

Muslims.

Percentage.

..	1	20
..	1	38.3
..	5	35.7
12	36.1	
23	44.2	
1	100	

[The Hon. Mr. D. J. Boyd.]

II.—Statement showing communal representation in the Police Clerical cadre on the 20th June 1934.

1	2	3	4	5				
Post.	Total number of posts.	PERCENTAGE TO COLUMN 3.				REMARKS.		
		HELD BY						
		Muslims.	Hindus.	Sikhs.	Europeans and Anglo-Indians.			
				Muslims.	Hindus.	Sikhs.	Europeans and Anglo-Indians.	
				Per cent.	Per cent.	Per cent.	Per cent.	
Superintendent	2	..	..	1	1	..	60	50
Head assistant	5	1	3	..	1	20	60	20
Lady stenographers	3	..	..	..	3	..	..	100
Range auditors	3	1	2	..	..	33.3	66.6	..
Assistant	14	5	9	..	..	35.7	64.3	..
Senior clerks	36	13	21	2	..	36.1	58.3	5.6
Junior clerks including reserve clerks.	52	23	22	6	1	44.2	42.3	1.9 or 2
Munshi	1	1	..	..	..	100	..	..
Total	116	44	57	9	6	38	49	7.7
								5.1

INSPECTOR, FINGER PRINT BUREAU, PHILLAUR.

884. Mr. Muhammad Din Malak : Will the Honourable Member for Finance kindly state—

- (a) whether it is a fact that a Sikh clerk has been recently appointed to the post of Inspector, Finger Print Bureau, Phillaur, over the head of several senior sub-inspectors serving in the Bureau;
- (b) whether it is a fact that the officers of the Finger Print Bureau are treated as experts in courts of law;
- (c) if so, what special qualifications the above-mentioned clerk acquired before his appointment to the post mentioned in (a) ?

The Honourable Mr. D. J. Boyd : (a) A senior sub-inspector of police, who has been on deputation to the Police clerical cadre, has recently been appointed to act as Inspector, Finger Print Bureau, Phillaur. He is senior in the rank of sub-inspectors to all but one of the sub-inspectors of the Bureau, and that one is not qualified for promotion.

- (b) Yes, with certain limitations.
- (c) Special qualifications are not required from inspectors and sub-inspectors at the time of their posting to the Finger Print Bureau.

COMMUNAL INEQUALITY IN THE EDUCATION DEPARTMENT.

885. Khwaja Muhammad Eusoof : Will the Honourable Minister for Education please state—

- (a) the number of teachers communitywise, serving in the various colleges of the Punjab, holding posts in the Punjab Educational Service and Subordinate Educational Service grades;
- (b) which community has been receiving the lion's share in the matter of appointment in the colleges for the last 10 years;
- (c) how many persons have been promoted to class one of the Punjab Educational Service and how many of them are Muslims, Sikhs, Hindus and Christians, respectively;
- (d) how many persons are promoted to the selection grade of the Punjab Educational Service during the last three years and how many of them are Muslims and Hindus, respectively;
- (e) how many persons have been given chance to officiate as principals and inspectors of schools and how many of them are non-Muslims;
- (f) how many persons have been directly taken into the Punjab Educational Service grades; how many of them are Muslims and how many non-Muslims?

The Honourable Malik Sir Firoz Khan Noon :

(a)	Hindus.	Muslims.	Sikhs.	Others.
	121	78	39	10

(b) The Hindu community has received the larger share.

	Hindus.	Muslims.	Sikhs.	Others.
(c) Eight ..	1	3	1	3

[The Hon. Malik Sir Firoz Khan Noon.]

(d) One Hindu has been promoted to the selection grade in Provincial Educational Service (Class I) during the last three years. Two Muslims and two Hindus have been promoted to the selection grade of the Provincial Educational Service (Class II) during the last three years.

(e) and (f) If the honourable member will kindly specify the period for which the information is required, it will be supplied.

PERMISSION TO WRITE BOOKS.

886. Khwaja Muhammad Eusoof : Will the Honourable Minister for Education please state—

- (a) the number of applications received by the Education Department from its employees seeking permission to write books ;
- (b) how many applications have been rejected and on what grounds ;
- (c) how many applications have been accepted and what are the total emoluments which each author has received ?

The Honourable Malik Sir Firoz Khan Noon : If the honourable member will kindly specify the period for which the information is required it will be supplied.

PUBLICATIONS OF TEXT BOOK COMMITTEE.

887. Khwaja Muhammad Eusoof : Will the Honourable Minister for Education please state—

- (a) the number of books which have been given to various persons by the Text Book Committee for translation, communitywise, during the last five years ;
- (b) whether any community has been particularly debarred from such a work ; if so, which and on what grounds ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected and will be supplied to the honourable member when ready.

MEDICAL SELECTION BOARD.

888. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) the number of qualified candidates, communitywise, that appeared recently before the medical selection board ;
- (b) the number of candidates communitywise that has been taken ;
- (c) whether it is a fact that the selection board recommended only one Indian Christian ?

The Honourable Malik Sir Firoz Khan Noon : (a) The number of qualified candidates who appeared before the permanent Board of Selection for the P. C. M. S. in connection with the recent appointments, was as follows :—

Muslims	..	..	..	..	..	19
Sikhs	..	..	..	..	..	10
Others	{	Hindus	..	..	..	21
		Christians	..	..	..	2

(b) The number of candidates selected by Government (that is, to whom posts are to be offered as vacancies occur) is :—

Muslims	..	..	..	..	8
Sikhs	..	..	..	..	1
Others	{	Hindus	..	..	2
		Christians	..	..	1

(c) Yes.

VERNAACULAR MISTRESSES EMPLOYED AS INVIGILATORS.

889. Raja Muhammad Sarfraz Ali Khan : Will the Honourable Minister for Education kindly state—

(a) whether it is a fact that the vernacular mistresses employed as invigilators to assist the lady superintendents at the examinations conducted by the Education Department are not paid a single pie for their services as invigilators, whereas the superintendents are handsomely paid ;

(b) if the reply to the above is in the affirmative, whether the Government can ascribe any reasons therefor ?

The Honourable Malik Sir Firoz Khan Noon : (a) No. The superintendents receive payments for the oral examinations which they conduct and not for supervising this conduct of examinations.

(b) Does not arise.

ENGINEERING SUBORDINATES IN THE IRRIGATION BRANCH.

890. Sardar Sahib Sardar Ujjal Singh : Arising out of the answer given by the Honourable Revenue Member to starred question No. 2541, put by Mr. M. A. Ghani on the 28th July 1933, will the Honourable Member for Revenue please state—

(a) what are the means with the Chief Engineer, Punjab, Irrigation of knowing whether the instructions, issued by him on the subject of maintaining the personal registers of Engineering Subordinates employed in the Irrigation Branch of the Punjab Public Works Department, are complied with or not ;

(b) whether it is a fact that the instructions referred to in (a) above were issued by the Chief Engineer several years ago ;

(c) whether since the issue of the aforesaid instructions the Chief Engineer has been satisfying himself that his instructions are being complied with ;

(d) whether it is a fact that appeals by the said subordinates against unfavourable remarks made in personal registers could not go beyond Superintending Engineers ? If so, what are the objections against allowing such appeals to come to the Chief Engineer so that he may know for himself whether his instructions are being complied with or not ?

The Honourable Sir Miles Irving : (a) Chief Engineer examines the personal registers of all subordinates preparatory to the sanction of their

[The Hon. Sir Miles Irving.]

first increment, and when issuing orders for their confirmation, and when sanctioning pension.

It has also been decided that Chief Engineer should see them when the passing of an efficiency bar is due.

(b) The instructions issued in 1931 in supersession of previous instructions.

(c) Whenever a personal register comes into Chief Engineer's office it is carefully examined to see that orders are complied with.

(d) Under rule 7 of the Punjab Subordinate Services Punishment and Appeal Rules, 1930, all subordinates have a right of appeal to Chief Engineer against an order of censure, but no appeal lies against an entry in a personal register not amounting to censure.

Superintending engineers are fully competent to deal with any unfavourable remarks that do not amount to 'censure.'

ENGINEERING SUBORDINATES IN THE IRRIGATION BRANCH.

891. Sardar Sahib Sardar Ujjal Singh : Arising out of the answer given by the Honourable Revenue Member to starred question No. 2570¹ asked by Mr. M. A. Ghani on the 28th July 1933, will the Honourable Member for Revenue please state—

(a) what are the safeguards against unjustified remarks regarding character, general work and efficiency of engineering subordinates in the Irrigation Branch of the Public Works Department being made at the time of the annual writing up of the personal registers ;

(b) whether any explanation is called from the subordinates concerned before making unfavourable remarks at the end of the year in respect of their conducting their duties ?

The Honourable Sir Miles Irving : (a) Specifically adverse entries made by reporting officers must be supported by a brief statement of the facts, and they must be prepared to substantiate them fully when called upon to do so.

Superintending engineers see the personal registers annually, and take such action as they consider necessary or advisable with a view to confirming or reversing any unfavourable entries.

(b) No, as these reports deal with the general working of the year. But adverse entries are dealt with as in (a), and communicated finally by the Superintending Engineer to the person concerned.

Orders have issued lately prohibiting the withholding of an increment on a general report unless the subordinate has been warned previously of his failings.

ENGINEERING SUBORDINATES IN THE IRRIGATION BRANCH.

892. Sardar Sahib Sardar Ujjal Singh : Arising out of the answers given by the Honourable Revenue Member to starred question No. 2571¹ asked by Mr. M. A. Ghani on the 28th July 1933, will the Honourable Member for Revenue please state the reasons which stand in the way of transferring the registers from the custody of executive engineers to the Superintending Engineers' offices?

The Honourable Sir Miles Irving : Government has after careful consideration decided that the balance of advantage both to the subordinate and to Government lies in the retention of the present system.

TRAVELLING ALLOWANCES OF ENGINEERING SUBORDINATES IN THE IRRIGATION BRANCH.

893. Sardar Sahib Sardar Ujjal Singh : Arising out of the answer given to starred question No. 2572² asked by Mr. M. A. Ghani on the 28th July 1933, will the Honourable Member for Revenue please state—

- (a) if the enquiry there stated to be on hand has since been completed and whether the Government has come to a decision on the matter of the travelling allowances of engineering subordinates in the Irrigation Branch of the Public Works Department;
- (b) if the answer to part (a) above is in the negative, the time when the decision is expected to be arrived at;
- (c) whether Government is aware that the said subordinates are being subjected to heavy loss due to the virtual continuance of the rationing system for travelling allowances in nearly all the circles and divisions in the branch;
- (d) whether Government intends to make good to the subordinates concerned the loss which they have suffered on this account?

The Honourable Sir Miles Irving : (a) Yes.

(b) Does not arise.

(c) No. Orders were issued in 1931 that no limit should be fixed for the amount of travelling allowance that may be drawn by subordinates.

(d) Does not arise.

INDIAN CHRISTIANS IN THE PUNJAB CIVIL MEDICAL SERVICE.

894. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) whether besides Dr. Swift and Dr. S. D. Sadik there is any other Indian Christian in the P. C. M. S.;
- (b) whether it is a fact that Dr. S. D. Sadik is due to retire some time in 1934; if so, when;

¹Volume XXIII, pages 1143-49.

²Volume XXIII, pages 1149-50.

[Mr. E. Mayadas.]

- (c) whether it is a fact that after the retirement of Dr. S. D. Sadik, there will be only two Indian Christians left in the P. C. M. S., one Dr. Swift and the other the newly accepted candidate?

The Honourable Malik Sir Firoz Khan Noon : (a) Dr. H. B. Swift is now the only Indian Christian in the Punjab Civil Medical Service.

(b) Dr. Shams-ud-Din Sadik retired from service on the 20th May 1934.

(c) Yes.

CIVIL ASSISTANT SURGEONS AND INDIAN CHRISTIANS.

895. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the number of posts of civil assistant surgeons is 150; if not, what is their number;
- (b) whether it is a fact that when qualified candidates are available efforts are made by Government to allot posts in proportion to population strength;
- (c) whether it is a fact that Indian Christians represent 2 per cent. of the population;
- (d) whether it is a fact that the number of P. C. M. S. officers belonging to the Indian Christian community is at the present time inadequate;
- (e) whether it is a fact that the selection board has failed to examine this aspect of the case;
- (f) if the facts be as stated above, what action Government is prepared to take to remove the grievance of the Indian Christian community?

The Honourable Malik Sir Firoz Khan Noon : (a) The number of assistant surgeons on the Punjab Civil Medical Service cadre is 150.

(b) The general policy of the Punjab Government in regard to communal representation was formulated in a speech delivered in this Council in 1927 by Sir Geoffrey deMontmorency as Honourable Finance Member.

(c) Yes.

(d) No.

(e) No.

(f) The recent selections include one Christian. Government have decided to appoint him to Punjab Civil Medical Service. This will bring the number of Christians to 2 out of 150. The percentage of Indian Christians in the cadre will not be seriously below that which the community could claim on a population basis, were this the criterion which in fact is not the case.

INDIAN CHRISTIANS AS SUB-INSPECTORS OF POLICE.

896. Mr. E. Mayadas : Will the Honourable Member for Finance be pleased to state how many of the 4 sub-inspectors classed as "others" under head sub-inspectors of police on 1st January 1934, were Indian Christians ?

The Honourable Mr. D. J. Boyd : All of them.

INDIAN CHRISTIANS AS HEAD CONSTABLES OF POLICE.

897. Mr. E. Mayadas : Will the Honourable Member for Finance be pleased to state how many of the 8 head constables classed as "others" under head police head constables on 1st January 1934 were Indian Christians ?

The Honourable Mr. D. J. Boyd : The three head constables classed as "others" are all Indian Christians.

INDIAN CHRISTIANS AS POLICE CONSTABLES.

898. Mr. E. Mayadas : Will the Honourable Member for Finance be pleased to state if any Indian Christians are employed as police constables, if so, what is their number ?

The Honourable Mr. D. J. Boyd : A few are employed but to ascertain the exact number would require a reference to every district which I hope the honourable member will agree would involve an expenditure of labour and time out of all proportion to the value of the information to be obtained.

PUNJAB ENGINEERING SERVICE AND INDIAN CHRISTIANS.

899. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that in the Punjab Engineering Services in the Public Works Department, Irrigation Branch, there are one hundred posts ;
- (b) whether it is a fact that at the present time there is not a single Indian Christian among them ;
- (c) how does Government intend to redress this grievance on the part of Indian Christians ?

The Honourable Sir Miles Irving : (a) No. The strength of Punjab Service of Engineers is 99, including 5 officers in North-West Frontier Province.

(b) Yes.

(c) Their claims along with those of others will be borne in mind when making appointments in future.

SUBORDINATE ENGINEERING SERVICE AND INDIAN CHRISTIANS.

900. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that in the Subordinate Engineering Service of the Public Works Department, Irrigation Branch, there

[Mr. E. Mayadas.]

are 410 posts and not one of them is held by an Indian Christian, if not, what are the correct figures ;

- (b) whether Government is prepared to adopt means by which Indian Christians may also find an opportunity to compete for the above-mentioned posts ?

The Honourable Sir Miles Irving : (a) The statement made by the honourable member is correct.

(b) Indian Christians are free to compete for the Subordinate Engineering Service.

ZILLADARS AND INDIAN CHRISTIANS.

901. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that there are 250 posts of zilladars in the Public Works Department, Irrigation Branch, and of these only 2 are held by persons classed as "others" ;
- (b) if so, whether one or both of these are held by Indian Christians ?

The Honourable Sir Miles Irving : (a) Yes.

(b) One was held by an Indian Christian who has recently retired and the other is still held by an Indian Christian.

PATWARIS AND INDIAN CHRISTIANS.

902. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that there are 2,968 posts of patwaris (including mirabs) in the Public Works Department, Irrigation Branch ; if not what is their number ;
- (b) whether it is a fact that on 1st January 1934, only 4 of these posts were held by persons classed as "others" ; if so, how many of these four were held by Indian Christians ?

The Honourable Sir Miles Irving : (a) Yes.

(b) Yes. All are Indian Christians.

CLERICAL AND OTHER ESTABLISHMENTS, IRRIGATION BRANCH.

903. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state the qualifications required of—

- (i) clerks, clerical establishment (provincial) Public Works Department, Irrigation Branch ;
- (ii) patwaris (including mirabs) ;
- (iii) munshis ;
- (iv) signallers ;
- (ii), (iii) (iv) also of Public Works Department, Irrigation Branch ?

The Honourable Sir Miles Irving: (i) Candidates who have passed the Matriculation Examination only will be eligible for appointment to the lowest grade, *viz.*, Rs. 40—2—80—2—90 in the Provincial Clerical Establishment. For appointment to higher grades only those who have passed the post-matriculation clerical course or F. A. etc., are eligible.

(ii) Vernacular Middle School Final Examination;

(iii) Matriculation.

(iv) Matriculation.

2. The final part of the question is not intelligible. If the honourable member wants similar information for any other branch of the Public Works Department will he kindly repeat his question.

FOREST DEPARTMENT SUBORDINATE AND CLERICAL SERVICE AND INDIAN CHRISTIANS.

904. Mr. E. Mayadas: Will the Honourable Minister for Agriculture be pleased to state—

(a) whether it is a fact that (i) in the Forest Department subordinate service there are 986 posts;

(ii) in the clerical establishment there are 136 posts;

(b) whether out of all these posts there are only 3 posts of clerks held by persons classed as "others";

(c) if so, how many of these three are held by Indian Christians?

The Honourable Sardar Sir Jogendra Singh: (a) (i) No. 997 (ii) 137.

(b) No, four.

(c) All the four by Indian Christians.

INDIAN CHRISTIANS TAHSILDARS AND NAIB-TAHSILDARS, ETC.

905. Mr. E. Mayadas: Will the Honourable Member for Revenue be pleased to state—

(a) whether it is a fact that in the Land Revenue Department there are 114 posts of tahsildars, of which only one is held by a man classed as "others";

(b) whether it is a fact that there are 172 posts of naib-tahsildars and not one is held by an Indian Christian;

(c) whether it is a fact that there are 748 posts of kanungos and not one is held by an Indian Christian;

(d) whether it is a fact that there are 9,333 posts of patwaris and only one is held by a man classed as "others"; if so, whether it is held by an Indian Christian?

The Honourable Sir Miles Irving: (a) There are 114 posts of tahsildars of which 2 are held by "others".

(b) Yes.

(c) Yes.

(d) There are 9,333 posts of patwaris of which 2 are held by "others." Enquiry is being made whether these posts are held by Indian Christians.

HEAD WARDERS, WARDERS AND MATRONS IN THE JAIL DEPARTMENT
AND INDIAN CHRISTIANS.

906. Mr. E. Mayadas : Will the Honourable Member for Finance be pleased to state—

- (a) whether it is a fact that in the Jail Department the number of head warders, warders and matrons is 1,710, of which 15 posts are held by persons classed as "others";
- (b) if so, how many of these 15 are held by Indian Christians?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) Eleven.

CLERKS IN THE HIGH COURT AND INDIAN CHRISTIANS.

907. Mr. E. Mayadas : Will the Honourable Member for Finance be pleased to state—

- (a) whether it is a fact that out of 178 posts of clerks in the High Court 6 are held by persons classed as "others";
- (b) if so, how many of these six are held by Indian Christians?

The Honourable Mr. D. J. Boyd : (a) No. Only five posts are held by persons classed as "others."

(b) Two.

INDIAN CHRISTIANS AS CLERKS IN SUBORDINATE COURTS.

908. Mr. E. Mayadas : Will the Honourable Member for Finance be pleased to state—

- (a) whether it is a fact that in courts subordinate to the High Courts the number of posts of clerks is 1,255, and out of these 8 are held by persons classed as "others";
- (b) if so, how many of these 8 are held by Indian Christians?

The Honourable Mr. D. J. Boyd : The information is being collected and will be communicated to the honourable member when ready.

SERVICE APPEALS IN THE LAHORE HIGH COURT.

909. Chaudhri Allah Dad Khan : Will the Honourable Member for Finance kindly state—

- (a) how many service appeals by aggrieved officials (communitywise) were preferred in the Lahore High Court since 1920 to date and what was their result;
- (b) how many service appeals by aggrieved officials (communitywise) were lodged in the Lahore High Court since October 1932 and what was their result?

The Honourable Mr. D. J. Boyd : The information is being collected and will be communicated to the honourable member when ready.

OFFICIALS PUNISHED BY S. SEWARAM SINGH.

910. Chaudhri Allah Dad Khan : Will the Honourable Member for Finance kindly state—

- (a) the names of the officials punished by way of dismissal, reduction, suspension, fine, or stoppage of increments by Sardar Sewaram Singh during his tenure of the office of District and Sessions Judge in the various districts in the Punjab since his appointment to his retirement ;
- (b) the names of the officials directly appointed by him in the various districts to which he was posted from time to time as District and Sessions Judge in the Punjab ;
- (c) the names of the officials who preferred appeals against orders referred to in (a) and (b) above and how many were rejected *in limine* and on merits or accepted ?

The Honourable Mr. D. J. Boyd : (a), (b) & (c). The information required is not readily available and its collection would involve an amount of labour out of proportion to its value.

TRANSFER OF MR. BASHESHAH NATH, CLERK OF COURT.

911. Chaudhri Allah Dad Khan : Will the Honourable Member for Finance kindly state—

- (a) whether the Honourable the Inspecting Judge of the High Court, Lahore (Mr. Justice LeRossignol) remarked in or about 1925 or 1926 about the bad reputation of Mr. Bashesha Nath, clerk of court, District and Sessions Court, Lahore, and ordered that he should be transferred ;
- (b) whether the order referred to in (a) above was not complied with for several years ;
- (c) whether his transfer to the court of the District and Sessions Judge, Montgomery at Lahore, in May 1929 meant only the change of his room ; both the courts being situated in the same building ;
- (d) whether he is a resident of Lahore ;
- (e) whether he was transferred again to the Lahore Sessions Court in March 1933 by order of the office Judge of the High Court ;
- (f) the reasons of his retransfer to Lahore Sessions Court ?

The Honourable Mr. D. J. Boyd : The information required is not yet available when it is received a reply will be given.

AGRICULTURISTS IN PUBLIC SERVICES.

912. Diwan Bahadur Raja Narendra Nath : (a) With reference to the answer given to my unstarred question No. 777¹ will the Honourable Finance Member refer me to the table of last census on which the estimate of figures given in clauses (a) and (b) of his answer is founded ?

(b) Will he be pleased to lay on the table of the House the orders issued in 1925 which defined more clearly the expression "hereditary proprietor" or tenure holder ?

The Honourable Mr. D. J. Boyd : (a) Paragraph 252, page 327 of Volume XVII—Census of India, 1931.

(b) Paragraph 3 of the 1919 Resolution, which was published in the *Punjab Government Gazette*.

(b) A statement is laid on the table.

Statement.

The orders referred to by Sir Henry Craik were as follows :—

A point of considerable importance is the definition to be employed of the term "agriculturist." After careful consideration, the Governor in Council has decided to adhere to the definition used in the Resolution of the 3rd of October 1919, viz. :—

"All hereditary proprietors or tenure holders of agricultural land, mainly dependent thereon and residing in rural areas, as well as actual cultivators of such land."

There are, however, reasons to suppose that in compiling statistics to illustrate the effect given to the orders conveyed in "the Resolution of the 3rd of October 1919, this definition has been used with considerable laxity, and that in certain departments non-agriculturists have been entered on the strength of their own statements as agriculturists without any attempt to verify those statements. In order to avoid such mistakes, heads of departments should follow the principle explained below. Where a Government servant is not a member of a tribe notified as 'an agricultural tribe' under the Punjab Alienation of Land Act, he must, if he claims to be an agriculturist, satisfy the head of his department that he actually comes under the definition quoted above. If he fails so to satisfy the head of his department, he should be entered as a non-agriculturist. The expression 'notified agricultural tribe' in the preceding sentence is not to include tribes notified as agricultural tribes in separate groups, as specified in appendix B of Financial Commissioner's Standing Order No. 1.

The term 'hereditary proprietor' is to be taken as meaning that the grandfather or some more remote ancestor of the official in question owned agricultural land."

In order to avoid possible misunderstandings, it should be explained that so far as the maintenance of the consolidated statement is concerned, these orders held good only till 21st December 1926, when the following orders were issued :

On a careful consideration of all the facts the Governor in Council with the concurrence of his Ministers, has come to the conclusion that it is impossible to frame a definition of "agriculturist" that will present an accurate picture of the extent to which Government actually employs persons whose interests are mainly rural, except by taking a census of so elaborate a nature as to make an undue demand on the time of recording officers. He has accordingly decided not to make any further attempt for the purpose of this census to classify Government servants as "agriculturists" or "non-agriculturists." The object of the census will in future be to classify Government servants according to the different religious communities to which they belong and to make a further sub-division according to whether they are or are not members of the tribes notified as agricultural tribes under the Punjab Alienation of Land Act. This decision, while it will to some extent impair the value of the statistics obtained by the census, will considerably lighten the task of classifying officers.

In order to give effect to it, it will be necessary to alter the headings of certain of the sub-columns of the statement circulated with my letter No. 24269 (H.—Genl.), of the 9th November 1925, from "agriculturists" and "non-agriculturists" into "members of notified agricultural tribes" and "others."

Thus the present position is that, there is no accurate census of the number of agriculturists recruited. The consolidated statement contains

only the numbers of statutory agriculturists and is therefore an understatement of the numbers of those referred to by the honourable member in his question No. 777¹ as receiving the privilege of preferential treatment.

RAJPUTS IN PUBLIC SERVICES.

913. Diwan Bahadur Raja Narendra Nath : Will the Honourable Finance Member be pleased to state what is the proportion of Rajputs in public services holding appointments in the Punjab out of those held by statutory agriculturists on 1st January 1934 ? If such information is not available, will he be pleased to state if Government is prepared to collect the necessary information ?

The Honourable Mr. D. J. Boyd : The information is not available and its collection would involve an expenditure of labour and money incommensurate with any public advantage to be gained.

RAJPUTS IN PUBLIC SERVICES.

914. Diwan Bahadur Raja Narendra Nath : Will the Honourable Finance Member be pleased to state what is the proportion of Ahirs holding appointments in the Punjab out of those held by statutory agriculturists on 1st January 1934 ? If such information is not available, whether Government will, in view of the fact that the number of Ahirs is very small and His Majesty in "Instrument of Instruction" in paragraph 7 has specially enjoined on the Governor the duty of advancing the social welfare of those who on account of the smallness of their numbers rely on the care of the Sovereign, fix the proportion of their recruitment in various departments ?

The Honourable Mr. D. J. Boyd : I regret that the information is not available. Government could not fix the proportion of recruitment of Ahirs in various departments without doing the same for numerous other tribes. Any such scheme would be unworkable.

REVENUE AND LOCAL RATES SUSPENDED IN GURGAON DISTRICT.

915. Diwan Bahadur Raja Narendra Nath : Will the Honourable Revenue Member be pleased to state—

- (a) how much revenue and local rate was suspended in Gurgaon district in the last 2 years ;
- (b) whether any recoveries have since been made (i) of land revenue, (ii) of local rate ;
- (c) if any recoveries have been made, whether he will be pleased to lay on the table of the House the data on which recommendations for recovery were based ;
- (d) whether it is intended to make any recoveries of local rate and revenue in the current *rabi* ; if so, whether he will lay on the table of the House data similar to that called for in (c) ?

The Honourable Sir Miles Irving : (a) The following amounts were suspended during the last two years, on account of land revenue and local rate :—

<i>Land Revenue.</i>		<i>Local Rate.</i>	
1931-32.	1932-33.	1931-32.	1932-33.
Rs.	Rs.	Rs.	Rs.
3,11,502	7,48,690	23,388	50,972
<hr/> Total .. 10,60,192		<hr/> 74,360	

(b) Following recoveries were made, before *rabi* 1934, out of the demand suspended during the years 1931-32 and 1932-33, on account of—

	Rs.
Land revenue	1,361
Local rate	42,417

(c) The recovery of suspended land revenue and local rate was ordered after careful consideration of the paying capacity of the zamindars of each village as determined by the condition of crops and the existence of other liabilities in the manner provided in the Financial Commissioners' standing order No. 30 and Land Administration Manual, Chapter XVI. It is not in the public interest to lay the mass of documents in question on the table.

(d) Yes. Rs. 6,380 on account of land revenue and Rs. 31,000 on account of local rate have been ordered for collection, during *rabi* 1934, out of the amounts suspended in 1931-32 and 1932-33. For the remainder of this question see the reply to part (c) preceding.

BRAHMINS.

916. Diwan Bahadur Raja Narendra Nath : Will the Honourable Revenue Member be pleased to state whether it is true that the majority of 38,788 Brahmins, as shown in the census table of Amritsar district, are tillers of the soil? If so, why are they not treated as statutory agriculturists?

The Honourable Sir Miles Irving : (1) No.

(2) Does not arise.

917. Chaudhri Afzal Haq : Will the Honourable Finance Member be pleased to state—

(a) whether Fazal Ilahi Qurban of Lahore, son of Karam Ilahi, has been served with a notice under section 8 of the Punjab Criminal Law (Amendment) Act, III of 1932 ;

(b) whether it is a fact that the said Fazal Ilahi complained to Government about the inconvenience caused by the above mentioned notice ;

(c) whether Government intends to withdraw the notice in order that Fazal Ilahi may now carry on his business without undue interference of the police ?

The Honourable Mr. D. J. Boyd : (a) and (b). Yes.

(c) Government does not intend to withdraw the order.

ADDITIONAL DISTRICT JUDGE AT SHEIKHUPURA.

918. Sardar Bahadur Sardar Buta Singh : Will the Honourable Member for Finance be pleased to state—

- (a) whether it is a fact that for a long time besides the District Judge there is a permanent Additional District Judge posted at Lyallpur to cope with the increasing work, both criminal and civil, in Sheikhpura district which district at present is included in Lyallpur division ;
- (b) whether it is a fact that the District and Additional District Judges, Lyallpur, spend more than 15 days every month in Sheikhpura to dispose of sessions and criminal appeals of that station ;
- (c) whether it is a fact that in the year 1933, expenditure incurred on such visits by the District and Additional District Judges with their establishments was more than Rs. 2,000 ;
- (d) whether it is a fact that all this time the civil appeals of Sheikhpura were heard at Lyallpur to the great inconvenience of the litigant public and their pleaders ;
- (e) whether it is a fact that besides the District and Additional Judges the District Judge, Multan, S. Hukam Singh, came twice here, 10 days each time, to dispose of a large amount of arrears of criminal cases and appeals of Sheikhpura and that such visits are to continue in future till the arrears are finished ;
- (f) whether it is a fact that the statistics of cases and appeals, both criminal and civil, in Sheikhpura, Lyallpur, Jhang and Sargodha were as follows in the year 1933 :—

<i>District.</i>	<i>Cases.</i>	<i>Criminal appeals.</i>	<i>Civil appeals.</i>
Sheikhpura ..	44	554	89
Lyallpur ..	52	610	201
Jhang and Sargodha ..	32	87	..

- (g) whether it is a fact that the district authorities have moved the Government for moving the headquarters of the Additional Sessions Judge from Lyallpur to Sheikhpura in the interests of public and the proper working of administration ;
- (h) whether it is a fact that the Government is contemplating some such change and the selection lies between Jhang and Sheikhpura ;
- (i) whether it is a fact that there is a permanent Sessions court as well as a house in the civil lines at Sheikhpura ;
- (j) if so, whether in the light of the facts mentioned above Government intends to fix the headquarters of the Additional District Judge at Sheikhpura ?

The Honourable Mr. D. J. Boyd I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

DEPUTY SUB-INSPECTORS OF FISHERIES DEPARTMENT.

919. Thakur Pancham Chand : Will the Honourable Minister for Agriculture kindly state—

- (a) whether it is a fact that one Balwant Singh, deputy sub-inspector of fisheries, has been removed from the service?
- (b) whether it is a fact that one accepted and qualified candidate for the post of deputy sub-inspector of fisheries, has been appointed for *two months* only;
- (c) whether it is also a fact that he would be removed and replaced by some new entrant (B. Sc. Agri.) ;
- (d) if the reply to (c) above be in affirmative, why the claims of already accepted and qualified candidates of this department are being ignored?

The Honourable Sardar Sir Jogendra Singh : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

ESTABLISHMENT OF THE DISTRICT AND SESSIONS JUDGE, LAHORE.

920. Chaudhri Allah Dad Khan : Will the Honourable Finance Member kindly state—

- (a) whether the following posts on the establishment of the District and Sessions Judge, Lahore, are held by Hindus and only two officials, viz., English clerk Rs. (75—125) and assistant translator (Rs. 40—90), are held by Muslims :—
 - 1 Clerk of court Rs. (150—225) ;
 - 1 Reader (Rs. 100—175) ;
 - 1 Stenographer (Rs. 100—150) ;
 - 1 Record keeper (Rs. 75—125) ;
 - 1 Translator (Rs. 75—125) ;
 - 1 Ahlmad (Rs. 40—90) ;
 - 4 Clerks on Rs. 30—70 per mensem each ;
 - 1 Nazir (Rs. 30—50) ;
 - 3 Paid candidates ;
 - 4 English copyists ;
 - 1 Daftri ;
 - 1 Record lifter ;
- (b) the reasons for the poor and deplorable representation of the Muslim community on that establishment ;
- (c) whether the Government proposes to draw the attention of the High Court to the policy of Government in giving due consideration to the claims of all communities ;
- (d) how many appointments out of the above are held by members of agricultural tribes communitywise and what are the reasons for the utter disregard of the Government's circular on the subject ;
- (e) whether the appointments are made by the District and Sessions Judge, Lahore, on the proposals of the clerk of court ; if so, to which community he belongs ?

The Honourable Mr. D. J. Boyd : The information is being collected and will be communicated to the honourable member when ready.

INCREASE IN THE POPULATION OF MOGA AND ABOHAR.

921. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that there is considerable increase in the populations of the towns of Moga and Abohar in the Ferozepore district since the time of the census in 1921 ;
- (b) if so, to what causes is this increase due ?

The Honourable Sir Miles Irving : (a) According to Volume XVII of the Census of India, 1931, the population of Moga has increased from 14,145 in 1921 to 17,585 in 1931, and that of Abohar from 8,916 to 14,035.

- (b) Government has no information.

LAHORE ELECTRIC SUPPLY COMPANY.

922. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state whether Government held an enquiry regarding the high charges levied by the Lahore Electric Supply Company recently, and by when a pronouncement on this subject is likely to be expected ?

The Honourable Sir Miles Irving : Government has referred to the Advisory Board appointed under Section 35 of the Indian Electricity Act, 1910, the question as to what alteration, if any, should be made in the maximum rates prescribed in the licence of the Lahore Electric Supply Company, Limited. Orders will be passed in due course on receipt of the Board's report, which is expected in the near future.

GRADES OF EXAMINERS OF COPYING BRANCHES IN OFFICES OF DEPUTY COMMISSIONERS.

923. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the question of revision of grades of examiners of copying branches in offices of deputy commissioners is under consideration of Government ;
- (b) if so, since when ;
- (c) by when is a decision likely to be arrived at ?

The Honourable Sir Miles Irving : (a) No.

- (b) and (c) Does not arise.

CANAL COLONY OF THE IRRIGATION DEPARTMENT AT FEROZEPORE.

924. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the canal colony of the Irrigation Department at Ferozepore formerly had their own power house for electric supply ;

[Mr. E. Mayadas.]

- (b) whether it is a fact that this has been closed down and the canal colony is now receiving hydro-electric current ;
 (c) if so, since when ?

The Honourable Sir Miles Irving : (a) Yes.

(b) Yes.

(c) 21st May, 1934, afternoon.

IRRIGATION IN THE NEIGHBOURHOOD OF THE CANAL COLONY AT
 FEROZEPORE.

925. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that in the neighbourhood of the canal colony at Ferozepore in the rural areas irrigation is carried on by means of wells ;
 (b) which department of Government deals with the distribution of energy and realisation of charges, concerning the Uhl River hydro-electric power ?

The Honourable Sir Miles Irving : (a) There is well irrigation in the neighbourhood.

(b) The Electricity Branch of the Punjab Public Works Department.

CHARGES FOR LIFTING WATER FROM WELLS WITH HYDRO-ELECTRIC
 CURRENT.

926. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state what is the scale of charges for lifting water from the wells with hydro-electric current and how do these charges compare with *abiana* rates of the Irrigation Department ?

The Honourable Dr. Gokul Chand Narang : Taking an average rate for *abiana* and the flat rates corresponding to the tariffs a copy of which has already been laid on the table in reply to the honourable member's unstarred question No. 839¹, the comparison works out as follows :—

Crop.	Abiana rate (per acre).	Cost of maturing an acre of crop with water lifted by elec- tricity.		
		Rs.	A.	P.
Wheat ..	5 4 0	11	6	0
Cotton ..	5 8 0	11	6	0
Sugarcane ..	12 0 0	28	7	0

The following assumptions have been made in working out the figures in column 3 above :—

- (i) That the well is capable of delivering a cubic foot of water per second.
 (ii) That the lift is 10 feet ;
 (iii) That the efficiency of the motor, machinery and channels is 50 per cent. In other words that twice as much electrical

energy is paid for as would be the case if the flow of water was frictionless, the lifting machinery and the motor were perfect and no water was lost in the Kuhls (channels) between the well head and the fields.

- (iv) That the land to be irrigated from one well is 6 acres or more so that the pump can be run continuously during the time of watering.

GRANT FROM THE ROAD COMMITTEE.

927. Mr. E. Mayadas : Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether Punjab Government has received any grant from the Road Committee for experimenting with road emulsions ; if so,
- (b) what amount has been received ;
- (c) when was it received ;
- (d) how has it been utilised ; and
- (e) with what results ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) Rs. 3,955.

(c) In December 1932.

(d) Experiments were carried out with tar emulsion in miles 4 and 5 of Lahore-Ferozepore-Ludhiana road.

(e) The result was a failure.

FORMAN CHRISTIAN COLLEGE, LAHORE.

928. Mr. E. Mayadas : Will the Honourable Minister for Education please state—

- (a) since when has the Forman Christian College, Lahore, been receiving a grant from Government ;
- (b) for what purpose is the grant given ;
- (c) what were the conditions attached to the grant ;
- (d) whether Government will lay a copy of these conditions on the table ?

The Honourable Malik Sir Firoz Khan Noon : (a) Since 1st April 1887.

(b) For the maintenance of the college, to be used in connection with secular instruction.

(c) No specific conditions are attached. The Audit Department now requires a certificate in regard to all grants-in-aid and the Director of Public Instruction cannot sign such a certificate unless the Department has scrutinised the accounts of these colleges.

(d) Does not arise.

AUDIT OF ACCOUNTS OF CERTAIN COLLEGES.

929. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that Government recently informed certain colleges that their accounts were going to be audited ;
- (b) if so, what are the names of the colleges ;
- (c) how many years it is since Government commenced helping these colleges with grants ;
- (d) whether it is a fact that during all these years accounts of these colleges were not audited by Government ;
- (e) if so, what are those circumstances which have now led Government to audit these accounts ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) All the aided colleges in the province.

(c) Some of the colleges have been in receipt of maintenance grants from provincial revenues for more than forty years.

(d) Yes.

(e) The Audit Department now wants a certificate to the effect that the grants are utilised for the purposes for which they are sanctioned, and the Department cannot supply such a certificate without an actual scrutiny of the accounts of these colleges.

MUNICIPALITIES AND THEIR OBLIGATIONS.

930. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to lay a statement on the table showing the names of municipalities, that during the last three years have fulfilled their obligations to the tax payers with regard to roads, drainage, water supply, provision of trained *daits*, play-grounds for schools, *pardah* gardens for women and children, and maternity hospitals or suitable arrangements in lieu thereof ?

The Honourable Dr. Gokul Chand Narang : It is not possible to list municipalities in the manner proposed, or to separate out those which have "fulfilled their obligations" in the directions indicated from those which have not. On the whole, however, the municipal committees have begun to show a better sense of responsibility.

TAX ON PRIVATE MOTOR CARS.

931. Mr. E. Mayadas : Will the Honourable Member for Revenue be pleased to state—

- (a) whether it is a fact that in the Delhi province the driver's seat of private motor is free of tax, but in the Punjab it is not ;
- (b) if so, the reason for this differential treatment ?

The Honourable Sir Miles Irving : (a) The driver's seat of a private motor vehicle is included in the number of seats which form the basis of taxation in the Punjab. Government have not been able in the time given

to obtain information regarding motor taxation in Delhi. But if the facts are as suggested by the honourable member they would give no ground for altering the system of assessing the tax in the Punjab.

(b) Does not arise.

VEHICLE STANDS AND A CHARGE OF ONE ANNA.

932. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that in rural areas district boards have established vehicle stands ;

(b) whether it is a fact that generally they levy a charge of one anna per rupee on the takings of outgoing vehicles ;

(c) if so, under what authority is this charge levied ?

The Honourable Dr. Gokul Chand Narang : (a) Yes. By *Punjab Gazette* notification No. 21692, dated the 16th May, 1932, district boards have been authorised to establish and administer such stands.

(b) The charges levied are understood to vary from district to district and from place to place. Government has lately issued instructions to Commissioners insisting that the fees charged shall be carefully regulated. A copy of these instructions is laid on the table.

(c) The fees are a rent on the land occupied.

Copy of a letter No. 15074 (L. S.-G.—Comts.), dated the 7th May 1934, from P. MARSDEN, Esq., C.B.E., I.C.S., Secretary to Government, Punjab, Transferred Departments, to (1) The Commissioner, Ambala division, (2) The Commissioner Jullundur division, (3) The Commissioner, Lahore division, (4) The Commissioner, Rawalpindi division, (5) The Commissioner, Multan division.

(1) 1264.

(2) 6874.

WITH reference to the correspondence ending with your letter No.

(3) A/XIII/63/104,

(4) UXXIII-2-A/747-Govt.,

(5) XXIX-26-III-33,

(1) 6th September 1933,

(2) 23rd/24th October 1933,

dated the (3) 25th January 1934, on the subject of the provision of parking places for

(4) 23rd November 1933,

(5) 8th February 1934,

public motor vehicles, I am directed to inform you that the Punjab Government (Ministry of Local Self-Government) are advised that the system of leasing of such places by auction and of the lessees charging fees on the earnings of the motor vehicles is not illegal. Government, however, have strong reasons to believe that such a system has in practice led to exorbitant fees being levied, and they consider, therefore, that the stands should preferably be managed by the local bodies themselves. If that is impracticable it is considered that the next best system would be for the stands to be let out on a tender system at reasonable rates. If that again is considered not to be feasible, then the stands could be leased by auction. But in such a case I am to request that you will insist that the fees to be charged by the lessees are per vehicle and not per passenger, and fixed according to the class of vehicles and the amount of time spent at the stand. The lessee should in each case execute an agreement containing these conditions and also a condition that the lessee himself will not run his own vehicles. The bids at the auction should be subject to the approval of the deputy commissioner of the district, who, in giving his approval, should consider whether the rates are reasonable and the contractor reliable.

2. I am also to suggest that the rates authorized to be charged should be clearly advertised on large boards at either end of the motor vehicle stand as already directed in paragraph 2 of Punjab Government letter No. 14118, dated 15th May 1933, and should be communicated to the Superintendent of Police, who would arrange for regular inspections and report to the registering authority cases of overcharging by the contractors or lessees so that the registering authority can withdraw this approval of the contract or lease.

BUDGETS OF LOCAL BODIES.

933. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether from the answer to unstarred question No. 807¹, asked at the recent budget session it appears that the number of local bodies that failed to submit properly prepared budgets by due dates is very large ; if so, what are the reasons for this ;
- (b) whether Government intends taking some action by which the irregularity might be avoided in future ?

The Honourable Dr. Gokul Chand Narang : (a) To collect detailed information as to the reasons for the delays in the case of all the local bodies included in the list would be a large operation, if the honourable member desires information in connection with any particular case or cases it will be obtained.

(b) Commissioners have been asked to impress upon the local bodies concerned the necessity of punctuality in the preparation and submission of their budgets.

BUDGETS OF LOCAL BODIES.

934. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state whether—

- (a) answer to unstarred question No. 807¹ shows that the following local bodies failed to prepare proper budgets for 1933-34 :—

- (i) Multan Municipal Committee ;
- (ii) Hariana Town Committee ;
- (iii) Nuh Hakim Notified Area Committee ;

- (b) what action has Government taken against these local bodies ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Commissioners have been asked to impress upon the local bodies concerned the necessity of punctuality in the preparation and submission of their budgets.

TEMPERANCE PROPAGANDA.

935. Mr. E. Mayadas : With reference to answer to unstarred question No. 816² asked at the recent budget session, will the Honourable Minister for Local Self-Government please state whether he is prepared to suggest to local bodies to consider the advisability of spending money on temperance propaganda ; if not, why not ?

The Honourable Dr. Gokul Chand Narang : Government is not contemplating the issue of any instructions on the subject. The matter is one that can well be left to the initiative of the local bodies themselves.

¹Volume XXIV, Appendix.

²Volume XXIV, Appendix.

BOOKS ON INTOXICANTS, SUITABLE FOR USE IN SCHOOLS.

936. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the Punjab Christian Council has recently brought to the notice of the Honourable Ministers for Agriculture and Education the names of certain books written in simple language explaining the harmful results arising from use of intoxicants, suitable for use in schools ;
- (b) if so, whether Government is prepared to prescribe any of them for use in schools ;
- (c) if so, whether he will place a list of approved books from amongst them on the table ?

The Honourable Malik Sir Firoz Khan Noon : (a) No.

(b) Does not arise. Government will, however, be willing to consider such a book when it is received.

(c) Does not arise.

VEHICLE STANDS AT THE VILLAGES, KANA KACHHA AND LULLIANI.

937. Mr. E. Mayadas : Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that on the Lahore-Ferozepore road, there are vehicle stands at the villages Kana Kachha and Lulliani, but no railings have been provided, motor lorries and tum tums frequently park on the road for loading and unloading passengers, which causes serious inconvenience to the public and also serious risk to men and animals ;
- (b) what action Government is prepared to take in this respect ?

The Honourable Sardar Sir Jogendra Singh : (a) The vehicle stands are under the charge of the District Board, Lahore, and no railings have been provided.

(b) The matter has been referred to the Deputy Commissioner and the Senior Superintendent of Police, Lahore, who are taking necessary action.

LAHORE-FEROZEPORE ROAD.

938 Mr. E. Mayadas : Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that the Lahore-Ferozepore road near the Kasur Rest House is much narrower than the other portion of the main road ;
- (b) if so, what is the width of the road near the rest house and the main road ;
- (b) whether it is a fact that along the narrow portion on one side is the Public Works Department rest house and on the other side the military encamping ground ;
- (d) whether it is a fact that this military encamping ground is used by the military every year and tents are pitched opposite the Public Works Department rest house ;

[Mr. E. Mayadas.]

(e) whether it is a fact that on such occasions there is congestion of traffic, and consequent inconvenience and some risk of damage to the public, which would be considerably lessened, if not entirely obviated, if the road were not so narrow as it is at the present time;

(f) if so, what action is the Government prepared to take in the matter?

The Honourable Sardar Sir Jogendra Singh : (a) and (b) The road width is uniform throughout with a 30 feet formation.

(c) The Public Works Department rest house fencing is 15 feet from the centre line of the road formation and the encamping ground boundary on the other side is 140 feet therefrom.

(d) Yes, but tents are pitched on the encamping ground.

(e) and (f). To reduce as far as possible the congestion of traffic which occurs, a proposal is under consideration to move the rest house fencing back by a matter of 5 feet.

PROVIDENT FUND SCHEME FOR PATWARIS.

939. Mr. E. Mayadas : Will the Honourable Member for Revenue be pleased to state—

(a) whether it is a fact that a provident fund scheme for patwaris has been introduced;

(b) if so, the nature of this scheme;

(c) on what date the scheme was introduced;

(d) whether it is obligatory on all patwaris, since the introduction of the scheme, to join the provident fund;

(e) how many of the patwaris in employ at the time of introduction of this scheme have joined the provident fund?

The Honourable Sir Miles Irving : (a), (b), (c) and (d). The honourable member is referred to appendix B to Standing Order No. 15 as introduced by correction slip No. 1060, dated 26th June 1930.

(e) 1078.

BUILDINGS FOR THE PRESERVING OF LAND RECORDS.

940. Mr. E. Mayadas : Will the Honourable Member for Revenue be pleased to state—

(a) whether it is a fact that in some districts suitable buildings for the preserving of land records do not exist;

(b) if so, the names of those districts;

(c) what action Government proposes to take in this matter?

The Honourable Sir Miles Irving : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

INDIAN CHRISTIANS MEMBERS OF DISTRICT BOARDS.

941. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to lay a statement on the table showing the names of district boards on which Indian Christians are members, either nominated or elected ?

The Honourable Dr. Gokul Chand Narang : The information is being collected and will be communicated to the honourable member when ready.

INDIAN CHRISTIANS MEMBERS OF MUNICIPAL COMMITTEES.

942. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to lay a statement on the table showing the names of municipal committees in which Indian Christians are members whether nominated or elected ?

The Honourable Dr. Gokul Chand Narang : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

PROFESSION TAX OFFICER, JHELMUM.

943. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the District Board of Jhelum has failed to secure the services of a naib-tahsildar as profession tax officer ;

(b) if so, the circumstances that prevented this appointment ?

The Honourable Dr. Gokul Chand Narang : (a) No.

(b) Does not arise.

COMPULSORY EDUCATION IN FEROZEPUR DISTRICT.

944. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

(a) in how many areas in the Ferozepur district compulsory education was introduced in 1983-84 ;

(b) the percentage of boys of school-going age on the rolls ;

(c) how many cases were instituted for non-attendance and with what result ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected, and will be supplied to the honourable member when ready.

DOGARS IN THE FEROZEPUR DISTRICT.

945. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state the population of Dogars in the Ferozepur district by tahsils ?

The Honourable Sir Miles Irving : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

BOYS OF THE DOGAR COMMUNITY IN THE FEROZEPORE DISTRICT.

946. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

(a) how many boys of the Dogar community in the Ferozepore district have up to the end of 1933, passed the following examinations :—

Middle, Entrance, First Arts, B.A., and M.A. ;

(b) in case the number of passes is extremely low, what action Government is prepared to take in the matter ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) The honourable member's question is so vague that it is impossible to take steps to collect the information required. Even if dates were specified the records of the Department and University would not provide the information and, enquiries would not be justified by the value of the information. Suppose the numbers are low, what does the honourable member wish the Government to do ? The success in examination depends on the intelligence and industry of the student, and I shall be glad to know how Government can help in either case.

SCHOLARSHIPS FOR THE EDUCATION OF DOGAR COMMUNITY IN FEROZEPORE.

947. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state whether the District Board of Ferozepore has provided any special scholarships for the education of Dogar community in Ferozepore ; if not, whether Government is prepared to suggest to the District Board to consider the matter ?

The Honourable Malik Sir Firoz Khan Noon : The District Board of Ferozepore has not provided any special scholarships for the education of Dogars in Ferozepore. The Board can, however, do so with the sanction of the Commissioner—*vide* Article 128 of the Punjab Education Code,—and Government cannot interfere in the matter.

PRIMARY SCHOOLS FOR GIRLS, FEROZEPORE.

948. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

(a) how many primary schools for girls the District Board of Ferozepore has ;

(b) whether young boys are allowed to study in girls' schools ; if so, up to what age ?

The Honourable Malik Sir Firoz Khan Noon : (a) 36.

(b) The information is being collected, and will be supplied to the honourable member when ready.

MIDDLE AND HIGH SCHOOLS FOR GIRLS IN THE PROVINCE.

949. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to lay a statement on the table showing the number of middle and high schools for girls maintained by district boards in the province ?

The Honourable Malik Sir Firoz Khan Noon : The required information is as follows :—

Name of the District Board.	Number of middle schools.	Number of high schools.
1. Gurgaon	1	Nil.
2. Ludhiana	1	Nil.
3. Amritsar	1	Nil.
4. Dera Ghazi Khan	1	Nil.
5. Kangra	6	Nil.
6. Rawalpindi	2	Nil.

BOARDING HOUSES OF AIDED PRIVATE COLLEGES.

950. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state whether it is a fact that private colleges, receiving Government aid, are permitted to frame rules for their boarding houses, which operate favourably for certain communities but unfavourably to others ?

The Honourable Malik Sir Firoz Khan Noon : Government has not issued any instructions on the subject. The attention of the honourable member is, however, invited to rule 2 published on page 115 of the Punjab University Calendar for 1933-34.

EXPENDITURE ON EDUCATION OF GIRLS.

951. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to lay a statement on the table showing the proportion of education budget spent on education of girls during the past financial year by the following district boards—

Ferozepore, Lahore, Amritsar, Hoshiarpur, Jullundur, Lyallpur, Montgomery, Multan, Sheikhupura, Gurdaspur, Sialkot and Gujranwala ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected, and will be supplied to the honourable member when ready.

PHYSICAL INSTRUCTION IN GIRLS' SCHOOLS AND COLLEGES.

952. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state if any progress has been made in the scheme for providing physical instruction in girls' schools and colleges ?

The Honourable Malik Sir Firoz Khan Noon : Government pays a grant of Rs. 272 per mensem to the Young Women's Christian Association, Lahore, to meet the salary of their Physical Training Instructress who acts as adviser in physical education to the Education Department. She holds physical training classes for lady teachers under training and inspects their work in schools. Inter-school games tournaments are also held, and they have proved valuable means of raising the standard of games and improving the physical health of girl students.

PHYSICAL INSTRUCTION OF INSTRUCTRESSES.

953. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) if arrangements have been made whereby selected women could receive a course of physical instruction with a view to qualify as instructresses of physical education in schools and colleges ;
- (b) if not, whether Government is now prepared to consider the matter ?

The Honourable Malik Sir Firoz Khan Noon : It has so far been impossible to make arrangements for this highly specialised physical training for selected women, but arrangements already exist for the instruction of lady teachers in physical training so that they may undertake the simpler forms of this work in schools and colleges.

EXPENDITURE ON GIRLS' SCHOLARSHIPS BY DISTRICT BOARDS.

954. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to lay a statement on the table showing the amount spent on girls' scholarships by district boards of the province during the last financial year, giving the number and amount of scholarships for passing middle, entrance, F.A., F. Sc., B.A., B.Sc., M.A. and M.Sc. examinations ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected, and will be supplied to the honourable member when ready.

PLAY-GROUNDS IN HIGH SCHOOLS FOR GIRLS.

955. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state what progress has been made in supplying suitable play-grounds in high schools for girls ?

The Honourable Malik Sir Firoz Khan Noon : If the honourable member were to specify the period for which the information is required, efforts would be made to answer the question.

PLAY-GROUND FOR GIRLS AT THE GIRLS' HIGH SCHOOL, MOGA.

956. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that no suitable play-ground is available for the use of girls at the Girls' High School at Moga ;
- (b) whether it is a fact that a school play-ground does exist, which while not far does not adjoin the school ;

- (c) whether Government is prepared to enquire about the possibility of providing a play-ground adjoining the school ?

The Honourable Malik Sir Firoz Khan Noon : (a) There is a play-ground in front of the school boarding house, about $\frac{1}{2}$ acre in area.

(b) No.

(c) More space for games is indeed needed, but this will have to wait till the financial position improves.

PUNJAB HEALTH SCHOOL, LAHORE.

957. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that during certain seasons of the year the neighbourhood of the Punjab Health School, Lahore, becomes very unhealthy ;
- (b) whether rain water collects and owing to absence of suitable outlet, stagnates for long periods giving out most offensive smells ;
- (c) whether there is no suitable arrangement for the disposal of the drainwater from neighbouring houses ;
- (d) in case the conditions are as stated above, what action Government is prepared to take in the matter ?

The Honourable Malik Sir Firoz Khan Noon : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

THE PUNJAB HEALTH SCHOOL.

958. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) how many times during the year 1938 the Municipal Health Officer inspected the Punjab Health School and its neighbourhood ;
- (b) if so, whether he made any reports ;
- (c) if so, in brief what was the gist of his reports ;
- (d) whether he made any recommendations, if so, what ;
- (e) whether any action has been taken on his recommendations ;
- (f) if so, what action Government is prepared to take in the matter ?

The Honourable Malik Sir Firoz Khan Noon : (a) The Municipal Medical Officer of Health inspected the school compound once during the year ; its neighbourhood on several occasions.

(b) No written report was made.

(c), (d) and (e) Do not arise.

(f) The attention of the Municipal Medical Officer of Health, Lahore, is being drawn to the matter.

POHLI AND LEH.

959. Mr. E. Mayadas : Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that certain weeds known as *Pohli* and *Leh*, &c., are found growing in various parts of the province ;
- (b) whether it is a fact that their seed is carried far and wide by air ;
- (c) whether it is a fact that the more these weeds flourish the greater is the effect of weakening of the soil ;
- (d) what action Government is prepared to take in the matter ?

The Honourable Sardar Sir Jogendra Singh, Kt. : (a) and (c) Yes.

(d) A pamphlet¹ showing a possible course of action has been widely circulated. A copy is laid on the table, and in Jullundur Division *Pohli* Weeks have been organised with success to eradicate the weed.

ACCOUNTS OF DISTRICT BOARDS.

960. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the accounts of two district boards are in a hopelessly bad condition ;
- (b) if so, the names of these boards ?

The Honourable Dr. Gokul Chand Narang : (a) and (b) The question is rather vague, but in the Annual Report of the Local Audit Fund Department for the year ending 31st March the district boards of Lyallpur and Shahpur were criticised in the terms of the question.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

Mr. President : The Council will now resume discussion on the motion to refer the Punjab Relief of Indebtedness Bill to the select committee.

Dewan Bahadur Raja Narendra Nath (Punjab Land-holders, General) : Sir, I am grateful to the previous speakers of my party. They have lightened my task. The question before us is not a difficult one. It does not admit of multifarious conflicting answers, but the mode of representation may be different. I hope that my representation of the problem may appeal to my zamindar brethren (*hear, hear*). I would lay down certain propositions and then I will try to build up my conclusions. First of all we are all cognizant of the fact that Punjab Government had done more for the zamindars of the province than any other local Government has done for zamindars of any other province. The needs of the zamindars of the Punjab are much the same as those of the zamindars of any other province. They want money to meet Government demands which are in cash, they want money for seed, they want money for cattle, if unfortunately the cattle die and in case they are tenants paying cash rents they want money to pay rents to their landlords ; they have also to spend money on the weddings of their children

¹Kept in Council Library.

These are the requirements of the zamindars which are common to all of them. In every province, the causes which make them poor and which keep them economically backward are also more or less the same. They are illiterate and ignorant, they are subject to a law of inheritance which allows sub-division of holdings, fragmentation even beyond the limit of an economic holding, the population is increasing and they are impervious to any advice with regard to birth control. The traditions of all asiatic countries are opposed to all measures leading to birth control. Each one of us is familiar with the fact that if a pice is given to a poor faqir, he blesses the donor by the words در دین لایس، عے بی — دایر (May you have enough milk and sons.) A man who is not blessed with a child is called *Autra Nithatra*. He is the most unfortunate man in the world. These are the traditions of the country. Our people have not outgrown them. Then there is a lack of occupations or vocations to which the surplus agricultural population can have recourse for the purpose of earning their livelihood. Industrial development is very slow in this country. In addition to this I am very sorry to advert to another tendency which is markedly shown by the urban population and which unfortunately is being imitated by the rural population, the urbanization of the rural population is rapidly increasing. The urban population combines the eastern habits of extravagance with the western habits of extravagance. A well-to-do man of the present day has to spend lavishly on marriages and if he comes up to Simla he has to live in the Cecil Hotel. The standard of living has risen. All these things are in operation to keep the economic condition of the zamindars backward and at a low ebb. There is a tendency amongst us to over-estimate the effect of one and to under-estimate the effect of the other. The allegory with which I would illustrate my meaning is this that to a cistern there are 6 outlets, each outlet is blaming the other outlet that it is taking away a larger quantity than the other whereas all the six are combined in emptying the cistern. In sociological phenomena it is in most cases difficult to make a precise quantitative measurement of the effect of cause. If the figures quoted by my honourable friend the member for University yesterday were correct, if 40 per cent. of the earnings of the zamindars go to Government in the way of *abiana* and land revenue, certainly the size of outlet by which Government takes is a very large one.

This is the general condition of the zamindar all over the country. We have to face along with this fact the situation that the indebtedness of the Punjab zamindar *per capita* is the highest in the country. I read a book on the subject a short time ago and if I remember aright, the debt is Rs. 92 per head. It should be borne in mind that the indebtedness of the Punjab zamindar is the highest, higher than the indebtedness *per capita* of any zamindar in any other province. These three propositions must be borne in mind. (1) The Punjab Government has done more than any other local Government in any other province, (2) the needs of the zamindars of the Punjab are the same as the needs of the zamindars of other provinces, and (3) the causes which keep them economically backward, in fact keep them poor and indigent in this province are the same as are in operation in other provinces.

Now, I would proceed with the fourth proposition. Reference was made by my honourable friend, the member for industries to agrarian laws

[D. B. Raja Narendra Nath.]

prevailing in the province. My honourable friend the member for Ambala stood up in defence of these laws. I am not sure if my honourable friend the member for industries, directed his attack on the vulnerable point in the agrarian laws, in other words confined his attack to the vulnerable point in these laws. I would be very sorry if I find any one who looks upon with indifference and non-chalance on the expropriation of the hereditary land owners of the province. No reasonable person would contemplate the situation with indifference. Well, Sir, I have long been connected with the administration of the agrarian laws to which reference was made. When the Land Alienation Act was before the Legislative Council in the form of a Bill I wrote a minute and if I remember aright it was in the month of November 1899. In that minute I attacked the discriminating nature of the law. I said, that it did not give sufficient protection. Protection we need, but we want protection against all. This discrimination, this creation of a dual class, one in a position of advantage and the other in a position of disadvantage is the feature which I have been attacking, which I attacked then and which I attack now and which I have been attacking ever since. I came into contact with the originators of the Bill, I came into contact with the sponsors of the Bill, Sir Charles Rivaz and with Sir Lewis Tupper who was the greatest supporter of it. They explained to me what the reason was for differentiation. They said that if we did not allow the zamindars to sell their lands to a section of the people we would reduce his credit to zero. We want the door open to a certain extent so that a zamindar may be able to obtain money for his practical requirements. That small loophole which was left has now become a wide door. In fact not only a door, but perhaps it has become as wide as the portico of this hall. My honourable friend the member for University gave the number of money-lenders who belong to the agriculturist classes. It comes to 19,000. That is nearly half of the money-lenders of non-agricultural classes. This is a situation which has developed which we anticipated and which may develop still more. The agricultural money-lenders indulge in money-lending with full prospects of advantage. He lends money at a fairly high rate of interest and then if he is unable to recover his money he can get land. The non-agriculturist money-lender is constrained to raise the rate of interest. The honest sahuakar has ceased to exist. That sahuakar who was really a helpmate and who was really helpful to the zamindar has ceased to exist. My honourable friend the member for University referred yesterday to page 31 of the Report of the Banking Inquiry Committee in which the causes which determine the rate of interest are laid down. I invite your special attention to them. It is stated that the greater the risk, the higher the interest. One of the factors which determine the rate of interest is the risk involved in the loan. The greater the risk the higher is the rate of interest. On the one hand you have rise in the rate of interest owing to your agrarian laws, on the other hand you have got a class of money-lenders who easily swallow the land of the debtor. Now, I ask, is not that sufficient to explain the higher rate of debt *per capita* of the Punjab zamindar? Is there any other cause? I have an open mind and I am quite prepared to listen. Can any honourable member refer to any other circumstances which distinguish the Punjab zamindars from the zamindars of any other province in which the ryotwari system prevails? Mind you, I know that Punjab is a

province of peasant proprietors, but provinces in which the ryotwari system prevails are much the same in this respect. They are owners of small holdings, there are also the causes that impoverish the Punjab zamindar operating here. Just try to think whether you have not misapplied the remedy or whether you have not over-done it. One of the weaknesses of human mind is that when once it falls into a groove, it is very difficult to get it out of that groove. You have fallen into one from which you cannot extricate yourself.

I say that the peculiar nature of the agrarian laws of the province accounts for the higher indebtedness of the Punjab zamindars, indebtedness which to a certain extent of course he shares with others. But I cannot see what cause can be assigned for the higher rate *per capita* of the Punjab zamindar's indebtedness.

Another unfortunate circumstance of the province is that class and communal conflict in this province is at its highest. All of us more or less suffer from what I call the communal or class squint which prevents us from looking at economic questions in their true perspective. Every one is liable to it but I only put forward one claim that I have of being comparatively free from that disease and it is this that for 28 years I have been under a training which should at least reduce to a minimum that squint if it has not obliterated it altogether. That being the case let us not look to the opinion of one side or the other. Let us not take into consideration what I say or you say or any friend of mine on this bench says or any friend of mine on the other bench says. Let us consider how other provinces are grappling with the problem. Measures for the relief of indebtedness have been introduced in two other provinces. They have also been tackled in the Indian States. Let us see how they propose to solve the problem. In the United Provinces there is a Bill for the relief of agricultural indebtedness. Will honourable members kindly make a comparative study of it? It only attempts to reduce the rates of interest. It does in fact nothing similar to section 16 of our Land Alienation Act which reduces agricultural credit to its lowest limit. It attempts nothing of the kind and yet that Bill was returned by His Excellency Sir Malcolm Hailey to the Council for reconsideration. The speech which Sir Malcolm Hailey made before the Council from which he sought reconsideration of the Bill is a very useful one and is full of lessons for both of us, honourable members who oppose and those who support the Bill. I shall read some extracts from it but I assure you I will not take long. This is what Sir Malcolm, says :—

Let me first ask them the question whether any general scaling down of standing debt by legislative enactment is to be regarded as a proper remedy. I give you my own conclusions, the result of most careful consideration. A general scaling down of debt which takes account only of the amount of debt due and not the rates of interest and which does not provide to the creditor any increased facilities for securing repayment in return of the loan by potential assets is not an appropriate measure. It would create a general loss of confidence which would react gravely on credit not only as applied to agricultural but other transactions thus rendering it difficult to secure future credit even for necessary or productive purposes and it fails in one element essential to the improvement of the present situation, namely, the restoration to the creditor of sums which are necessary to him as working capital. Such working capital is essential if credit which is not largely suspended is again to be set floating.

Further, he said :—

The rates prescribed must bear some proper relation to the prevailing rates earned by money elsewhere and to the extra reasons which are admittedly involved in

[D. B. Raja Narendra Nath.]

this particular class of transaction. Further in subsidiary regulations such as those relating to the compulsory grant of instalments on decretal debts must be such as to afford reasonable protection to the creditor. If we overlook this we are again in danger of restricting credit.

I need not waste the time of the House by citing other parts of the speech. But let it be remembered that these words of advice come from an officer of the Indian Civil Service who has been a Member for Finance with the Government of India, who knows the economic conditions of the Punjab and who is one of the ablest administrators that the Civil Service has produced. You cannot accuse him of class or communal squint even if you bring that charge against me.

Then, another instance that I will quote to you is that of the law in the Central Provinces. I invite your attention to clauses 12 and 13 of the Central Provinces Conciliation Bill. I think it has since been passed into an Act. It provides for repayment. Without payment, lowering of the rate of interest is suicidal. It will be a drastic step towards destroying the agriculturist's credit which is already at a very low ebb. If you give a very great advantage to the agriculturist money-lender he will swallow the whole land of the hereditary landholder. I warn you against the consequences and I hope you will bear that in mind.

Now I come to the parts of the Bill before us based on certain principles which are very objectionable. First of all I invite your attention to the definition of agriculturist. A curious sort of definition of agriculturist prevails in this province. Men who can earn Rs. 3,000 a month in the legal profession, men who are able enough to occupy with credit the office of the Member of the Executive Council of the Government of India, men who can take part wisely in the deliberations relating to the administration of the whole of the Indian Empire are to be treated as minors and as Hindu widows (*laughter*) when their own land is concerned. I appeal to the Leader of the House, I appeal to the Honourable the Finance Member who is in charge of the Bill, is that a logical position? It is absurd, it is nonsense. There is no other word for it. I want a radical change in the definition of agriculturist. On this point I put forward some ideas before the Royal Commission on Agriculture. And some years ago I put a question in the Council to the Revenue Member drawing his attention to the evidence which I gave before the Agricultural Commission. I asked him to make a free use of section 24. I do not want to repeal the Land Alienation Act. I do not want the hereditary landowners to be expropriated. But I certainly want individuals who have no reasonable claim to be treated as minors and Hindu widows should not be treated as such and the necessary correction can be made by appropriate action under section 24 of the Act which exists. No repeal is wanted. Nobody listened to me. I find now that the Northern India Chamber of Commerce has made the same suggestion. I draw your attention to it.

Then there is the provision about conciliation boards. You know and you will readily admit that class rivalry, class hostility, communal rivalry and communal hostility are at their zenith in this province. Under these circumstances can it be expected that the conciliation boards will be able to achieve anything? Will they be able to conciliate the parties? Not at all.

What is the use of assuming that the conciliation boards will achieve something? Assuming that they are able to give a certificate to the creditor that his claims above the amount mentioned in the certificate are not just, assuming that a settlement is arrived at, that settlement is merely a blank paper. What is a civil court's decree against an agriculturist, what value has it? It is because the civil court's decree has no value that the money-lender enhances the rate of interest, it is because the only way of recovering money open to the money-lender is to go to the threshing floor to get as much out of debtor as he can that he puts up his rate of interest. The zamindar is driven to the necessity of going to the money-lender again and ask for loan because the zamindar cannot live without borrowing. The zamindar by the necessity of his circumstances yields to the money-lender's demand, succumbs to him as that poor chap has no remedy. Without providing for repayment you simply increase the extortion of the money-lender.

A friend of mine when I was coming to the Council asked me what name could be given to the Bill. I hummed and, hawed, paused and reflected and then answered him in one of the *versus* of Zauq :

برأت عاشقان بر شاخ آهو اسکو کہتے ہیں

If the honourable Member for Industry wants a more direct answer I will add :

سوال قرضہ کو تالا جو اب چلن آبر دے

برأت عاشقان بر شاخ آهو اسکو کہتے ہیں

(Honourable members: Please translate). I am afraid that the verse cannot be rendered into English.

I am glad to hear that the Government is keeping an open mind. But if the select committee is unable to change the Bill on the lines on which it ought to be changed on the lines which I have recommended and which I hope will prove acceptable to the official members, then who is to blame for it? I am always reluctant to acquiesce in any denunciation of Government. My honourable friend, the member for industries, was very strong in his denunciation. He indulged in very strong language. But if no change is made, if the select committee is unable to make a change, if the Council is unable to make a change, then I will I think myself not add to the denunciation in which my honourable friend the member for industries indulged. What is the general state of things due to? It is all due to the policy which has been followed for the last thirty or forty years from which Government would have retracted if the power had not passed into the hands of those who benefit by that policy. Government is, therefore, itself responsible for the condition of things which allow the Bill to remain unchanged.

With these words I resume my seat.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadan, Rural): In relation to the treatment which has been meted out in the past by Government to that section of the population which has been defined in the Indebtedness Bill as agriculturist, my feelings normally have been those of sourness, soreness and dissatisfaction. But during the last two days I have felt in spite of myself not inconsiderable sympathy for the Government.

✓[R. B. Ch. Chhotu Ram.]

I felt that Government had undertaken a very thankless task. This

11 A.M.

Bill which Government thinks will do a great deal of good to the indebted classes has not received the blessings of the indebted classes. On the other hand it has been definitely condemned by the representatives of money-lending classes. And what is more there is a lurking suspicion on both sides that the Government may have designed this Bill as an apple of discord. The opinions which have been expressed in the press, the opinions which have been expressed by private individuals and which are contained in these three fairly bulky volumes show that. When the Government has to incur such a heavy amount of odium in undertaking a legislation, certainly it will induce a good deal of sympathy in the minds of anybody as it has done in mine. However, in spite of that I am free to say that this Bill in its present shape is not calculated to do any appreciable good to indebted classes. I am not going to discuss the details of this Bill. I am not going to enter into a detailed criticism of the actual provisions of the Bill as they stand at present. I would simply content myself with enunciating the attitude which my party has adopted. So far as the principle of the Bill is concerned, the National Unionist Party approves of it. So far as the object of the Bill is concerned, we welcome that object. But so far as the actual shape in which the Bill has been presented is concerned we are deeply dissatisfied and disappointed. And our attitude towards the final stages of the Bill will be determined by the shape in which this Bill emerges from the Select Committee. If the Bill is not modified to a sufficient extent then we shall be free to oppose the Bill. It may be that both the representatives of money-lending classes and the representatives of debtor classes may join hands in throwing this Bill out unanimously. (*An honourable member*: Why not do that now?) At present we are being asked only to agree to the principle of the Bill. The principle of the Bill is perfectly sound and therefore so far as these benches are concerned, we lend our support to the principle and are perfectly willing to send this Bill to the select committee where we shall try our best to secure such amendments and modifications as are calculated to do good to the debtor classes. Having enunciated the attitude of my party I will proceed to answer the criticism which has been levelled against this Bill. I will not say any more with regard to the Bill itself.

I am reserving my answer to the criticism which was made by the honourable member who represents Industry to the last. I will first take up the criticism which was offered by Shrimati Lekhwati. She had been speaking as if she was not on this earth. She was speaking from the fairy-land or dreamland of which I have not much experience. She said this Bill was not meant for the benefit of the poorer zamindars; this Bill was really meant for the benefit of bigger zamindars—zamindars with big palaces who have four wives and not content with four wives have gone in for more undesirable ways of life in the same direction. Shrimati Lekhwati probably does not know what is the composition of the agricultural population in this province. She has known only those gentlemen who are present here in this Council hall. Probably she does not know the exact texture of the agricultural population of this province. Further she has not read carefully the definition of the word "agriculturist" as adopted in this Bill. This Bill is not confined to the classes which we know and speak of as zamindars or

agriculturists in ordinary parlance. The word " agriculturist " as defined in the Indebtedness Bill has been extended to tenants, to servants of zamindars, in fact, to all those who are actually engaged in the occupation of agriculture, and derive their livelihood from the profession of agriculture. This Bill extends to agricultural labourers; this Bill extends to chamars; this Bill extends to chuhras; this Bill extends to kumhars; this Bill extends to village menials; this Bill extends to village artisans. Therefore, to speak only of zamindars in the ordinary sense of the word as benefiting under the provisions of this Bill is entirely unfair. It is entirely unfair to Government and to the principles of truth and justice.

Let me first tell Shrimati Lekhwati what the exact texture of the agricultural population in this province is, that is, agricultural in the ordinary limited sense. If I remember aright Mr. Calvert says that the total number of landowners in this province is in the neighbourhood of 40 lakhs. Now among those 40 lakhs there are only 8,109 land owners who pay an annual land revenue of Rs. 500 or more. I do not think a land owner who pays an annual land revenue of Rs. 500 can be regarded as a very big land owner, and yet even that class comprises only 8,109. Can Shrimati Lekhwati or anybody else who is inclined to agree with her maintain that Nawab Ahmad Yar Khan is typical of the Punjab agricultural population? Can anybody suggest that Nawab Umar Hayat Qureshi is typical of the agricultural population of the Punjab? Certainly not. He is only perhaps one in several thousands or perhaps one in a lakh. (*An honourable member*: What about yourself?) So far as I am concerned, my friends will perhaps be surprised to learn that my ancestral holding consists of only 50 bighas in which there are one uncle and two brothers as co-sharers. (*An honourable member*: So you are a poor zamindar!). And I can well represent the poorer section of the agricultural population.

Shrimati Lekhwati Jain: If big landlords are excluded I am perfectly willing to lend my support to this Bill.

Rao Bahadur Chaudhri Chhotu Ram: If any legislation on the lines suggested by Shrimati is ever introduced in this Council she will stand up and speak in quite a different strain.

Diwan Bahadur Raja Narendra Nath: No.

✓ **Rao Bahadur Chaudhri Chhotu Ram**: Certainly, she will.

Diwan Bahadur Raja Narendra Nath: Try an experiment.

✓ **Rao Bahadur Chaudhri Chhotu Ram**: I think opportunities will arise in this House when the *bona fides* of Pandit Nanak Chand, Mr. Puri and Shrimati Lekhwati will be tested.

Mr. Nanak Chand Pandit: Try them now.

✓ **Rao Bahadur Chaudhri Chhotu Ram**: I have no time to draft a Bill while on my legs and present it to the Council, but occasions will certainly arise in future, perhaps, even in the near future when the *bona fides* of these gentlemen who claim to sympathise with poor agriculturists will be put to the test. They have arisen in the past. (*Interruptions*). When the question of the reduction of *abiana* was being considered in 1925 these gentlemen said: you have to spend as much as Rs. 20 or Rs. 25 per acre on well irrigation and Government is only charging Rs. 5-8-0. Government would have been

[R. B. Ch. Chhotu Ram.]

justified even if it had gone up to Rs. 20 per acre. That is the help which the poor agriculturist has received from the occupants of those benches in the past. There was a time when we on these benches urged that an owner of one acre of land should be exempted from the payment of land revenue. At that time opposition to the proposal was offered by the Leader of that Party. So we have had occasions where the *bona fides* of these gentlemen have been tested in the past. There will be occasions when they will be tested again.

I was suggesting that the Bill is not intended to benefit those few individuals who have a variety of houses to live in, one house at Lahore, another house in the countryside and a third house at Simla, or those gentlemen who have wasted their money on women and wine. I have absolutely no sympathy with that class of people. But here this Bill is intended to benefit those teeming millions who are strangers to two square meals a day, whose back seldom knows a clean shirt, who have to go about, perhaps bare headed, in the burning sun. It is the man behind the plough who is intended to be benefited by this legislation. The man with a basket, or the man with a *kahi* is the man whom it is the intention of this legislation to benefit. It is true that there will be a very limited number of persons who fall under the category specified by Shrimati Lekhwati who will also gain, but whenever any legislation meant to benefit a class or classes is undertaken you cannot take account of individuals.

As a matter of fact if my friends occupying those benches had cared to go carefully through these two volumes of opinions they would have come across criticism offered by their own brethren that it was absurd to speak of individual servants of land owners as agriculturists. A *bania* may take up service under a zamindar and he will be regarded as an agriculturist (*An honourable member* : Never). He will take up service, if it serves his purpose. A Khatri may be a servant of a zamindar to-day, he may be a *gumashta*, *karinda* or clerk, a Khatri may turn himself into a servant of a zamindar in any other capacity in order to get the benefit of this legislation. After two years he may leave his service. So in a couple of years the same man may have the capacity or status of an agriculturist and a non-agriculturist. That criticism is there. Therefore, I strongly maintain that in any legislation which is necessary and is undertaken in the interest of a whole class, you can take account of only that overwhelming proportion which consists of the normal types. When you speak of the agricultural population of the Punjab, you are thinking of those 90 per cent. who are owners of 2 to 5 acres, not of owners of broad acres.

You are certainly not thinking of Nawab Ahmad Yar Khan or of Sir Umar Hayat Khan, or of Nawab Muhammad Nawaz Khan or anybody of that position. You will have to consider the 99.9 per cent. of the population (*Interruption*). I do not like to be interrupted. I never interrupt other honourable members. I submit very strongly that though this legislation may benefit a few individuals of a very high position, the aim and object of this legislation is to benefit that overwhelming proportion of the agricultural population which under the definition of this Bill consists of peasant proprietors, tenants and labourers. For perhaps 40 or 50 zamindars of very high position and wealthy status you find millions upon millions of people

who are absolutely groaning under the weight of debt. And so far as those few individuals are concerned, I believe certain proportion of them will be found to be free from debt. Therefore the actual number of the type of zamindars corresponding to the bug-bear of Shrimati Lekhwati's imagination who will benefit under this legislation will be very very small. Therefore, you cannot spoil a good class legislation by taking note of individuals. If you once allow individuals to be considered you do not know where to draw the line. It is an impossible task to hammer out a decent legislation if you take note of individuals in a measure of this kind.

While on this subject I may also answer the criticisms which were made by Raja Narendra Nath. He said, "What justification is there to treat certain big people as minors and Hindu widows?" Well, that is a very large question. That really relates to the Land Alienation Act and not to this Bill.

Diwan Bahadur Raja Narendra Nath : No, it relates to this Bill also.

Rao Bahadur Chaudhri Chhotu Ram : It is a very large question and I am perfectly willing to have a full dress debate either in this House or outside when I am sure I can successfully defend the definition which includes people of that type within the category of statutory agriculturists. Generally speaking my answer to this criticism is that when you restrict the credit of a class you can restrict it within certain limits with advantage but you cannot afford to shatter it altogether.

Diwan Bahadur Raja Narendra Nath : But the United Provinces Bills have done that.

Rao Bahadur Chaudhri Chhotu Ram : The honourable member representing big landlords of this province was saying that it was very undesirable to seek to do anything which will impair the credit of the population. Now he says with apparent approval that the thing has actually been done in the United Provinces. I do not know which of these two statements is correct. But I take my stand upon this. It is sometimes necessary, it is sometimes essential, it is sometimes desirable to restrict the credit of a class within certain limits. But you cannot afford to shatter the credit of that class entirely. Now take the Land Alienation Act. There, of course, no definition has been attempted of the word 'agriculturist.' But what we understand by agriculturist is that a member of one of various hereditary landowning classes will be regarded as an agriculturist. (*An honourable member :* An agriculturist by birth?) Yes. Raja Sahib says, "Why treat these big people as minors and Hindu widows?" Suppose we refuse to treat them as Hindu widows as Raja Sahib has chosen to call them (*Interruption*). Yes, I am talking of individuals. Suppose all individuals who have some brains, who have some money and who have some wealth are eliminated from the group of statutory agriculturists, what will be the result? There will be nobody to be found in the ranks of hereditary landowning classes to buy the land of others who are under a necessity to sell their land. Therefore their land will cease to be an asset of any value whatsoever. Is it desirable, is it reasonable to make the land an asset of no value whatsoever? And yet, if you eliminate all men who have sufficient means to purchase when necessity arises the land belonging to other people, the result is bound to be that. Therefore, it is absolutely

✓ [R. B. Ch. Chhotu Ram.]

essential to retain within the ranks of statutory agriculturists certain proportion of people who are in a position to purchase or take on mortgage land belonging to others. You cannot afford to make land entirely valueless. Therefore I beg to submit that the policy of retaining men of talent education and wealth, among the statutory agriculturists tribe is a perfectly sound one. I need not enter into any elaborate defence of this policy here and now. But what I have said in a general way now ought to satisfy those who have not developed that squint of which Raja Sahib has been speaking.

The Raja Sahib has been complaining that a large proportion of members of various classes and communities and a large proportion of the members of this House have developed a kind of squint and that, in consequence, they cannot take a normal view of things, that they cannot look upon various matters of vital importance from a correct angle of vision, and that that squint gives them a perverse judgment. But he claims for himself the credit that having served for about 28 years under Government he had got rid of that squint. I have no knowledge of his official career, but it seems to me that since he retired on pension he has again developed that squint, and shares to the full those weaknesses of which he has accused other members of this House.

I must certainly say a few words with regard to the speech which was made by Mr. Manohar Lal. That was an excellent speech made in a most commendable spirit. (*Hear, hear*). If there was ever made a speech in this House which breathes a spirit of catholicity, that speech came from Mr. Manohar Lal yesterday. I can certainly say that that speech was entirely free from communal or class bias and nearly entirely free from the effects of those unconscious class instincts which are implanted in the breast of us all, which are the result of the surroundings in the midst of which we pass our lives. Therefore I must pay a tribute to Mr. Manohar Lal for the excellent speech which he made and for the excellent example which he set in this House for others to follow. (*Cheers*).

Now, I will come to the speech of my honourable friend representing Industries. As Raja Sahib says most of the people in the Punjab suffer from a squint. But nobody suffers from a more accentuated squint than the member who represents Industries. He said that the measure was a communal one and he quoted the authority of certain district officers. Unfortunately it is true that a couple of district officers have stated that generally speaking Hindus are hostile to this legislation and Muslims are either favourable to it or lukewarm about it. But he forgot to disclose to us what districts he was referring to. The district officers happen to serve in districts where the Hindu population consists entirely of money-lending and shop-keeping classes and where Muhammadans alone represent the debtor class. Therefore it is, though not quite accurate, substantially correct in their case to say that Muslims are favourable or lukewarm about this legislation and that the Hindus generally speaking are hostile. But the word 'Hindu' obviously and manifestly means in that context the money-lending class and the shop-keeping class. However my friend knows perfectly well that this measure is not a communal measure at all, is not even a measure which takes note of the ordinary cleavage of zamindar and non-zamindar with which we are so familiar. It is not a measure which is intended or calculated

to benefit only zamindars. It is a measure which seeks to regulate the relations of money-lending class on the one hand and the debtor class on the other. It is absolutely an economic measure. That it is not a communal measure is perfectly well-known to my friend. He knows quite well that this measure has been supported by Hindu Rajputs, by Hindu Jats, by Gaur Brahmans, by Sikh zamindars and by the Indian Christian zamindars and also by that section of the population which has suffered most grievously both economically and socially at the hands of the money-lending class and which is represented by Chaudhri Bansilal. Therefore the completest possible answer will be furnished to that part of the criticism of Mr. Mukand Lal Puri on the floor of the House itself. I think speeches have already been made by members belonging to various groups in this House which ought to have convinced him, if he really required to be convinced, that this measure is not a communal measure at all. However, if my friend goes again carefully through the opinions of various individuals and of various anjumanas and societies he would be convinced that it is not a communal measure.

Again my friend made a reference to three very estimable individuals. One was Rai Bahadur Diwan Chand Saini, a statutory agriculturist. I know him well. If Mr. Mukand Lal Puri had made enquiries he would have found that that gentleman was probably himself a money-lender. Unfortunately he happens to be a zamindar and not a zamindar in the broad sense of the term but a statutory agriculturist. A statutory agriculturist can certainly turn to the profession of money-lending. (*Interruption*). Anyhow, the honourable member will do well to make enquiries and may then contradict me if necessary. (*Mr. Mukand Lal Puri*: I have made enquiries. He is not a money-lender). If the honourable member is sure that that gentleman is not a money-lender, then I withdraw my statement and I also apologise to the honourable member and to that gentleman. (*Interruption*). I have accepted the statement of the honourable member and he ought to accept my apology in the spirit in which it has been offered. If I had been disposed otherwise I would have contradicted him on the floor of this House. However, one opinion does not matter. One swallow does not make the summer. Now, Mr. Puri referred to three individuals one was Rai Bahadur Diwan Chand Saini. My argument so far as Rai Bahadur Diwan Chand is concerned is that he is just one solitary swallow who cannot possibly make the summer. He has made a reference to two officers. One is the District and Sessions Judge of Ambala. He is a raw, inexperienced youngman just fresh from college who has not been able to gather that amount of experience of actual life which would enable him to understand that the sanctity of contract in England is quite different from the sanctity of contract in this country (*laughter*). He is absolutely unaware of the peculiar conditions which exist here. He has not yet known sufficiently of the country to see that along with the sanctity of contract he ought also to take into consideration the fact that the contracting parties, the parties which are alleged to have entered or are assumed to have entered into a contract, do not really stand on an equal footing. One is really an intellectual minor and to his intellectual minority is added the further disadvantage of his extreme poverty and need. These things taken together deprive any transaction of that

✓ [R. B. Ch. Chhotu Ram.]

sanctity which may be attached to corresponding transactions in a country like England where everybody is well educated and can be regarded as better able to look after his interests than the ignorant needy peasant proprietors or their *kamins* and village artisans in this country. With regard to Mr. King I will say nothing. And when I say that, I have really said enough.

I will take *seriatim* the various other points taken up by Mr. Puri. In the first instance he made a grievance of the fact that Government did not take any action on the recommendations which had been made by the Indebtedness Committee. Well, I am perfectly at one with him there. So far as the specific recommendation with regard to the provision of additional or alternative lucrative profession for the agriculturists is concerned no action has been taken so far by Government, and Government is really and seriously to blame in that respect. I do not know what excuse or justification Government has for sleeping over the report for such a long time. It is perfectly true that if we really require a permanent remedy for the present economic helplessness of the agricultural population the only remedy is to provide other more lucrative professions, lucrative occupations in addition to agriculture. But so long as that is not done you can try only remedies which will prove of a temporary nature, and which will prove only partially effective. But Mr. Puri forgot the other side of the picture, and that side is that the present economic collapse of the agricultural population is so serious that you cannot wait until the specific recommendations of the Indebtedness Committee can be acted upon by the Government. I may remind my honourable friend of that Persian saying :—

تا تریاق از عراق آورده شود مار کزیده مرده شود

These specific recommendations require some time to be scrutinized and to be put into effect. But the exact state of things at present is such that you cannot wait and if you wait the result would be simply disastrous. As a matter of fact Government action has already been delayed too long. The Government ought to have taken the action which is now being taken a couple of years ago. Our Government has been more to blame in this respect than other provincial Governments.

The Bengal Government took action much more quickly, the United Provinces Government took action earlier than our own. I understand that the Central Provinces Government passed a legislation which has now actually been in operation for some time. Therefore while I agree that Government has not so far done anything in the way of providing additional lucrative professions for the agricultural population, I entirely dissent from the view of Mr. Puri that the present measure should not be undertaken. The next point which he made was that even if all the present debts were wiped out by this legislation, the zamindars would run into debt again. Sir, I have never been able to understand this dual argument. On the one hand the argument is put forward that if you pass this legislation the system of rural credit will suffer beyond measure. The credit of the zamindar classes will be entirely gone, they will not be able to raise a single rupee to pay Government dues and yet on the other hand it is stated, perhaps seriously, that even if this legislation undertakes to wipe out and succeeds in wiping out all the debts the zamindars will run into debt again. This

is not intelligible to me. If their credit is gone, how can they run into debt again? At least both of these arguments cannot be sound, one of them may or may not be sound, but both of them cannot be. Either this legislation cannot restrict their credit to the extent to which it is claimed by certain people that it will or the rural classes will not be able to run into debt again. The third point to which he made reference was that a large number of concessions in favour of agriculturists already existed and that in the presence of those concessions no further legislation was necessary. Now I reserve the discussion whether a legislation of this kind is needed or is not needed to the last stage of my speech, but I will dispose of at once the various concessions which he made a reference to. He made a reference to the Land Alienation Act. That Act like the head of King Charles must turn up whenever any subject of any type is under discussion between zamindars and non-zamindars. The money-lending classes cannot yet get rid of this obsession. However this Act cannot help in giving relief to the zamindars in respect of the existing burden of debt. Next, he made reference to section 60 of the Civil Procedure Code which gave exemption in respect of plough cattle, houses and implements of agriculture. Now either the law is defective or its interpretation is unsound. But as a lawyer I have come across cases in which persian wheels have been attached and sold, in which bullocks have been attached and sold and in which houses have been attached and sold. If the interpretation is unsound we cannot help it. That is the business of the High Court. The only thing for this legislature to do is to press for a suitable amendment of the existing law if amendment is called for. If, however, the existing law is as it should be but the interpretation is unsound then the executive Government may, in the course of time do something to change the present complexion of the judiciary and help indirectly to change the present mentality of the judiciary. That, however, might take a whole generation and by that time the agriculturists may disappear as a living economic unit of the Punjab population. If my honourable friend is not inclined to agree with me that courts take such a perverse view of the existing law here I have in my hand a notice issued by a court, an injunction order that the defendant—mind you it is before judgment, before the merits of the case have been decided—should not alienate to anybody either by sale, gift or mortgage, the houses, agricultural land, and two bullocks. Anybody who is inclined to dissent from my charge that our subordinate judiciary do not take a view of the law which is in consonance with its real spirit or which is fair to the agriculturists, he may have a look at the notice in my hand. I have got it in original. I have also come across a number of cases in which a single house occupied by an agriculturist has been attached and sold because the court held that it was not necessary for the needs of that agriculturist: it is too big. The present law and the manner in which it is being interpreted by judicial officers is such that the concessions to which reference was made by my honourable friend are as good or as bad as non-existent because they are nullified by the attitude of our judicial officers. Another point to which reference was made was that land in excess of the actual requirements of a family could not be attached and sold. That concession may exist on paper but it does not exist in practice. I have known a whole holding comprising 840 bighas of *nahri* land belonging to 4 minor boys with 5 minor sisters and a widowed mother being attached and handed over to the decree-

[R. B. Ch. Chhotu Ram.]

holder for full 20 years inspite of the report of the tahsildar and the collector that that family had absolutely no other source of livelihood.

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

Mr. Nanak Chand Pandit : What was the amount of the debt ?

Rao Bahadur Chaudhri Chhotu Ram : Rs. 4,000. I have given only one example and it is an example of a very bad type, 340 bighas of nahri land being handed over for full 20 years, a whole generation, to a decree-holder and leaving 11 persons, 5 minor girls, 4 minor boys and one widow to shift for themselves, inspite of the report of the tahsildar and the collector that the family had no other source of livelihood. This is the manner in which civil law is being administered by our courts and yet my friend representing Industries claims that the existing concessions make it entirely unnecessary to have any fresh legislation in this House. Then another reference was made in disparagement of this Bill. Why undertake legislation for the benefit of one class only ? Probably by that he only meant to specify the zamindar class. Well, as a matter of fact this legislation is not meant merely for the benefit of zamindars. However I maintain that even if this legislation had been undertaken in the interests and for the benefit of zamindars alone Government would have perfectly been justified in doing so. I will tell you why. My friends want to know why Government should undertake a legislation for the benefit of one class only. My answer is this. These zamindars are a class which fills the coffer of the State twice every year. These zamindars are a class which serves as cannon fodder for machine-guns when the war comes.

Mr. Labh Singh : All for nothing ?

Rao Bahadur Chaudhri Chhotu Ram : Of course they get paid but they get paid while shedding their lifeblood whereas the non-zamindars get paid while sitting comfortably in a chair twenty times more heavily. A soldier goes out only for Rs. 17 a month and risks his life.

Mr. Mukand Lal Puri : That is a privilege.

Rao Bahadur Chaudhri Chhotu Ram : That privilege was offered to the non-martial classes during the war. Was the offer accepted ? (Hear, hear). The University Corps was started and this House would be surprised to learn the number of men belonging to non-martial classes who came forward to join that Corps. They could be counted on the fingers of perhaps one hand. You had that privilege extended to you but you did not avail yourselves of it, and I am absolutely sure that if that privilege is again extended it will not be availed of by non-martial classes.

Mr. Mukand Lal Puri : Question.

Rao Bahadur Chaudhri Chhotu Ram : As a matter of fact Government is wrong in giving these classes an opportunity of making a grouse about what they will never really attempt to avail themselves of. The bania is not made for bullets. He is made only for making money at the expense of the poor zamindar. He will never take the risk of these bullets even if he is offered Rs. 170 a month instead of Rs. 17.

Then I may put forward another argument which may or may not appeal to my honourable and learned friend but is really sound in character. It is in consequence of the policy which has been followed by Government in the past in neglecting the education of rural classes and in neglecting to improve the economic condition of rural classes that we have really fallen into the clutches of the money-lending classes. The present helplessness of the agriculturists is, in a great measure, due to a culpable negligence on the part of the Government. It is up to the Government that it should undertake legislation which will help them to some extent to get out of the pit into which this negligence has let them. We have been contributing 90 per cent. of the provincial revenues while 90 per cent. of the revenues has been spent in the past for the benefit of urban and commercial classes. We have been left behind in the race of life. We have been left behind economically and educationally with the result that we cannot effectively safeguard our own interests. Therefore if Government does nothing by way of legislation to lift these helpless classes out of this economic pit it will fail miserably in its duty. In fact this Bill is an earnest of belated justice while the justice which is being offered to us is not at all effective. Another point which he hinted at was that things would adjust themselves in the course of time. But why should the Government wait for this adjustment? And who says that this adjustment will come? Government has imposed the Pax Britannica on this country. It has established peace and the peace has been continued far too long. The forces which occasionally enabled these things to adjust themselves do not now exist. We have been living under a stable Government and have not had the Pax Britannica disturbed now for 80 years. How can things adjust themselves? The police is there, the law is there, and courts are there to give the protection for which in troubled times the money-lender could look up to the zamindar alone. The sense of inter-dependence, mutual good will and mutual accommodation is now gone. The whole force of law and the whole might of Government is there on the side of the money lending class and commercial class. If there is any class which has benefited by the Pax Britannica more than others it is the money-lending and commercial class. If there is any class which has suffered under this Pax Britannica more than others it is the agricultural and martial class. Therefore the only possibility which could have allowed a readjustment of things has been eliminated by this long continued peace. Hence it is all the more necessary that Government should undertake a legislation which would help things to adjust themselves in a peaceful manner. Another grievance to which Mr. Puri referred was that no legislation of the kind of the Land Alienation Act existed in any other part of our own country, or anywhere on the face of the world. I cannot give the exact number of the issue but two years ago I read an article in the *Modern Review* that a legislation far more stringent than the Land Alienation Act of the Punjab existed in Mexico.

Mr. Mukand Lal Puri : Impossible.

Mr. Labh Singh : Based on caste system?

Rao Bahadur Chaudhri Chhotu Ram : I cannot give you any detail. That legislation could take note of only classes and not of individuals.

Mr. Mukand Lal Puri : I challenge the honourable member to give any instance.

Rao Bahadur Chaudhri Chhotu Ram : Let us now come to our own country. In Bundhelkhand a Land Alienation Act has been in operation for a long time. A similar Act is in force in Hyderabad State, there is a Land Alienation Act in the Kashmere State, in the Patiala State and now a vitiated copy of our present Land Alienation Act, I understand, has been introduced in the Kapurthala State. Let us now take Oudh. The whole province practically consists of estates which are inalienable. Therefore any legislation of that character was not needed in Oudh. While I am not acquainted with conditions prevailing in Bombay or Madras, in Bihar and Bengal land is concentrated in a few hands and therefore it would have been wrong to introduce in those provinces any legislation to prevent the free flow of land into hands other than those of the present owners. As to our own province, I claim that even if you introduce a communistic system of Government I do not think you will be able to devise a better distribution of land than you already have in the Punjab. There are no less than 3 to 4 million land owners in the Punjab and the average holding consists of 7 acres. Could anything better be really desired by any body? Suppose the whole of the land were transferred to the Government and the Government were to make a fresh distribution of that land, could a better distribution be made? Certainly not. As a matter of fact a holding of 7 or 8 acres is not an economic holding. At least in *barani* areas an economic holding ought to be of the size of at least 12 to 15 acres. Therefore the present distribution of land in the Punjab is almost ideal.

Mr. Labh Singh : Ideal because of its being uneconomic?

Rao Bahadur Chaudhri Chhotu Ram : I mean to say you could not undertake a distribution of land which will allow that land to be shared by a larger number of persons. For these reasons the existing distribution of land in the Punjab is ideal and therefore it was absolutely essential that a legislation preventing the alienation of land into undesirable hands should have been enacted. There was just one more point to which reference was made by Mr. Puri and that was that I had urged the repudiation of debts. He said that the Leader of the Opposition had urged a repudiation of debts. So far as this Bill is concerned there is no such thing as the repudiation of debts or even a scaling down of debts, and I have not so far urged any repudiation of debts but a state of things can arise in which I may certainly urge a repudiation of debts and consider myself perfectly justified in doing so.

Mr. Labh Singh : And after that, repudiation of land revenue and after that Bolshevism?

Rao Bahadur Chaudhri Chhotu Ram : If you want to frighten the Government you may do so. But let me say that the stage has not arrived to test my convictions in the matter. When it arrives you may put me that question. I do not think the Government can be so simple as to be frightened by these stupid remarks.

There was one more curious remark, curious and most uninformed, made by my honourable friend Mr. Puri. He said that the Punjab zamindar, the Punjab peasant was the most prosperous individual among peasants in the whole of India. So igno.

rant of facts. The honourable member would make any wild statement without having made sure whether his statement is at all based on truth or not. He said that the Punjab peasant was the most prosperous, his lot was the best in the whole of India. For his benefit I will draw his attention to a small pamphlet which has been written, not by Chhotu Ram, not by any zamindar belonging to the Punjab but by Mr. Nalini Ranjan Sarkar. At page 5 of that pamphlet you will find that the total debt of the Punjab is Rs. 135 crores. Calculated per agriculturist it comes to Rs. 92 per head. Just look at the figures relating to other provinces. In Assam the debt per agriculturist is only Rs. 31; in Bengal, only Rs. 31; in Bihar and Orissa again, only Rs. 31; in Bombay, only Rs. 49. In the Central Provinces it is only Rs. 30, in Madras it is Rs. 50, in the United Provinces it is only Rs. 36, while in this blessed land of the Five Rivers it stands at Rs. 92. And yet without any knowledge of facts my honourable friend made the most irresponsible and wild statement that the Punjab peasant was really in a most enviable position, that he was far above his counterpart in any other province.

Mr. Labh Singh : Will the honourable member please say what proportion does it bear to the asset *per capita* of the peasant and secondly how much of this debt is productive and how much, non-productive?

Rao Bahadur Chaudhri Chhotu Ram : Unfortunately those details have not been worked out. But there is one detail to which I would draw your attention.

Mr. Labh Singh : Before the honourable member says that that statement was irresponsible and wild he should answer this question in order to understand the situation properly.

Rao Bahadur Chaudhri Chhotu Ram : I can assure the honourable member that I understand the situation quite well and I understand his point of view quite well too.

I now come to the question why this legislation is needed in the province. I will deal with that almost immediately. In the meantime on the point of relative indebtedness in the Punjab let me draw your attention to an authority nearer home—

It is indeed strange that the figure for agricultural indebtedness should be at its maximum in the Punjab. The average indebtedness per agriculturist is higher in the Punjab than in any other Province.

This is the opinion expressed by the Honourable Rai Bahadur Lala Ram Saran Das, C.I.E., of Lahore. I believe there will be no disposition on the part of the occupants of the Hindu Sabha benches to disbelieve this statement.

Mr. President : The honourable member has spoken for one hour.

Rao Bahadur Chaudhri Chhotu Ram : But there were members who took an hour and a half. May I have another 15 minutes? On behalf of members on my side of the House I am told that they would like the whole of their time to be allotted to me.

I was coming to the question whether a legislation of this kind is needed or is not needed in the Punjab. I will draw the attention of the House to the opinion of a gentleman who I believe is not a zamindar and who has

✓ [R. B. Ch. Chhotu Ram.]

expressed his opinion as a representative of the Bar Association of Jullundur, as specifically authorised by that Bar Association. Here is what he says :—

I as the Joint Secretary of the Bar Association, Jullundur, and having been authorised to give opinion on the Punjab Relief of Indebtedness Bill on behalf of the Bar Association, Jullundur, beg to submit the following :—

Nothing could be more gratifying than to see the Punjab Legislature becoming alive to the imperative need of relieving the agriculturists from the clutches of money-lenders. Over 75 per cent. of Punjabees are agriculturists and it is high time that steps for their social and economic uplift be taken. The provisions of the Bill are very satisfactory and except for a few points discussed hereinafter, all the gulfs have been bridged.

I may also draw the attention of the House to the opinion expressed by the Bar Association of Rohtak. It is comprised of individuals among whom an absolute majority is commanded by Mahajans whose business is mostly that of money-lending. They enjoy an absolute majority, and a substantially absolute majority at that. The President is a Mahajan, the Secretary is a Mahajan and it is the Secretary who is writing this note :—

"This Bill is undoubtedly meant to provide for the relief of indebtedness and the improvement of agrarian credit in the Punjab. I am afraid the Bill in its present form is not at all calculated to achieve the end in view. The provisions of the Bill are indefinite, inadequate and inconclusive. The reduction of the amount of the maximum debt entitling a debtor to present an application for insolvency from Rs. 500 to Rs. 250 hardly affords any relief. Clause 16 would take effect only in cases where 60 per cent. of the creditors would agree to an amicable settlement. Such a settlement is not likely in a majority of cases. certificate embodied in clause 18 hardly affords any relief to the debtor. The possibility of costs or interest being disallowed would be very remote. It must be confessed that the sponsors of the Bill have only proceeded in a half-hearted manner and they have not boldly and squarely faced the problem. The provisions of the Bill are a mere eye-wash. A *tabula rasa* might have been much preferable to this half-hearted measure."

Here are the opinions of people who, if anything, may have a prejudice in favour of the money-lending classes and not against them. The Deputy Commissioner of Jullundur who has, I think, over 30 years of public service to his credit speaks more or less in the same strain. He is a non-agriculturist. Take another Deputy Commissioner, Mr. Thapar, I.C.S., who is in charge of Montgomery. He is also not a zamindar. He belongs to a class which does a good deal of money-lending. Being a young man, however, he has had the good fortune of possessing a fresh outlook. He has not developed any squint yet. And, therefore, he expresses himself in favour of the object of the Bill. There is another judicial officer with a much longer and more varied experience than that of Mr. Ormerod, I mean Rai Bahadur Chuni Lal. He blesses the object and principle of this Bill. Therefore, I think I am perfectly justified in saying that all those even among money-lenders who have succeeded in getting rid of the unfortunate squint alluded to by Raja Narendra Nath have expressed their opinion in favour of the principle and object of this Bill.

Now let us take some other facts. Economic laws act with a force which it is very difficult to withstand. The most prosperous and powerful nations in the world such as England, France, Italy, and Germany have pleaded their inability to pay their debts. Although they have not urged an entire repudiation of debts yet for the last three years most of these countries have not paid anything. England paid its last quota, I think, in June 1933. But the instalment which was due on the 15th of June 1934 has not been paid. England presented a note to the United States urging that it

was not in a position to pay the instalment which was due on the 15th June 1934 and that it would like to negotiate with the United States on fresh terms on the basis of which England would undertake to pay the debt due from her to the United States. Now when a nation of the prosperity of England can plead inability to pay, would it be any wonder if the poor zamindar of the Punjab even repudiated his debts? We are only pleading inability to pay at present but I say nobody ought to pretend to be surprised at even a suggestion of repudiation of debts by the zamindar. We cannot pay. There is nothing to pay out of. Then again representatives of money-lenders' associations representing money-lending interests, have expressed their opinion freely and frankly that the zamindar is really very heavily indebted, so heavily indebted that he cannot pay land revenue and *abiana*, and therefore the present burden of land revenue and *abiana* should be substantially reduced. There are a large number of individuals and associations who have urged that land revenue and *abiana* should be reduced by as much as 50 per cent. Now just compare the burden which land revenue imposes on the zamindar and the burden which the interest on his present debt imposes on the zamindar. For the last four years the average of our land revenue has been Rs. 260 lakhs. The total amount of debt in 1929 stood at Rs. 135 crores. Since then repayments have been most difficult and I think it would be mentioning a conservative figure if I suggested that the present debt stood at Rs. 200 crores. I think it will be regarded by all fair-minded people as a conservative estimate of the present debt burden. Just calculate the interest on this huge figure.

On a debt of Rs. 135 crores the annual interest at the rate of 20 per cent. will be 27 crores; at 15 per cent. it will be 20.25 crores and at 10 per cent. it will be 13.5 crores. If you take the higher estimate then on Rs. 200 crores at the rate of 20 per cent. the annual interest would be 40 crores; at 15 per cent. it would be 30 crores and at 10 per cent. it would come to 20 crores. What comparison is there between the burden of land revenue and the terrible burden of this interest. And yet representatives of money-lending interests have themselves admitted that the burden of land revenue is too heavy to be borne by the agriculturist. If the burden of land revenue which ranges between 6 and 16 per cent. of the burden of interest on debt cannot be borne by the agriculturist, how can this annual burden of interest be borne by the agriculturist? Is there any system of arithmetic or mathematics or magic which would convince anybody in this House that if a burden of 260 lakhs is too heavy to be borne by the agriculturists of the Punjab, a burden which may range between 13.5 and 40 crores a year can be borne by the Punjab agriculturists? Another point deserves to be stressed. I have taken a rate of interest for my calculations, which is much lower than the rate of interest which has been regarded in this Bill as excessive. This Bill says that only that rate of interest which exceeds 24 per cent. will be regarded as excessive. I have taken the highest rate of interest as only 20 per cent. If I took a rate which would be regarded normally under this Bill as excessive, it would be 25 per cent. Therefore, I beg to submit that even at a moderate rate of interest the annual burden imposed on the agricultural population of the Punjab in the form of interest is so heavy that it will break the back of any section of the population, not to speak of the agricultural population which has been suffering under a very bad system of taxation for generations and generations.

[R. B. Ch. Chhotu Ram.]

Another factor to which I may draw the attention of the House is this, that payments have to be made after all out of the income which is made by agriculturists. Let us see what the income of an agriculturist out of his agricultural land can be. In our province the area owned per head by agriculturists is 1.80 acres—a little less than 2 acres. Let us assume that the whole of this area is sown with wheat—a valuable crop, more valuable than most. Let us assume that there is no failure of rains and that there is no failure of water supply at the critical moment. What is the outturn? The average outturn per acre is about 10 maunds. That is to say, 1.8 acres of land would produce 18 maunds of wheat. Eighteen maunds of wheat would be sold for Rs. 31-8-0 at Rs. 1-12-0 per maund. Rs. 31-8-0 is the price of the produce of the whole area which is owned by an agriculturist in the Punjab. Take the other side, the expenditure side. On two acres I have calculated that Government dues would amount to about Rs. 17. Then there will be the usual cost of production, his cost of seed, maintenance of bullocks, labour, etc. Nothing will be left with an agriculturist out of which he can pay the money-lender. Supposing no legislation is passed; what would be the result. The agriculturist has no money out of which he can make any payment what-so-ever. He has his house, he has his cattle and he has a very limited amount of house-hold chattels. At the utmost the money-lender can get a decree from a civil court and as was admitted by Mr. Puri the troubles of a money-lender only commence after he has obtained his decree. Let us admit that that statement is well-founded. What will be the result? Will he be able to get satisfaction of his decree? He can have the debtor's cattle sold. How many cattle can the money-lender himself purchase? Because there being no ready money with the agriculturist class as a whole, they will not purchase. He can have the house sold by auction. Who is going to purchase? He can have his household chattel sold by auction. Who is going to buy? The money-lender cannot possibly purchase and supposing he purchases all these things, what will be the result? Could all the agriculturists be expelled from their houses? And suppose all the debtors who are now about 90 per cent. of the total population are ejected from their homes who can deny that a most desperate situation will arise? How can you have about 2 crores of the population rendered homeless, destitute and utterly desperate? But if you reduce that population to these straits, the result will be that you will have to reckon with a veritable hell.

Mr. F. B. Wace (Registrar of Co-operative Societies): Sir, in rising to address the House may I claim the indulgence that is habitually accorded to members undergoing that ordeal for the first time. I am by the nature of my service a simple clodhopper emerging, blinking and stammering into the light an eloquence of this august assemblage. Certainly I cannot hope to rival the staying power that has been displayed in this debate by the leading exponents. Speakers on each side on this very vital subject of rural indebtedness have most of them dealt with the subject from the point of view of one party to the situation. I think that I may perhaps claim some advantage in surveying the question by reason of the position which I now occupy, as Registrar of Co-operative Societies. If I may so prescribe myself, the last of the apostles, that am not meet to be called

an apostle but by the order of Government I am what I am. The Registrar, though an official, has occupied traditionally a position intermediate between the true blue crusted bureaucrat (if such a phenomenon exists) and the representative and champion of a growing army of co-operators now numbering over seven lakhs, mostly among the poorest zamindars of the province. Not only so, but in regard to this question of rural debt, I am of necessity compelled to see the question both from the point of view of the creditor and of the debtor. Members of co-operative societies are debtors to their societies in their individual capacity but as members of societies they are also creditors of those who have borrowed money from the society. More even than that—the societies are in no privileged position as regards their debtors. They occupy, as regards the execution of their awards, the same position as any non-agriculturist creditor. What in this position and with this experience I would like to emphasize is that it no more accords with the true facts of the situation to represent that all *sahukars* are sharks and robbers, intent on the ruin of zamindars, than to picture all zamindars as injured innocents, ignorant of the use of money and of the devices of the law-courts which enable them to evade payment. The money-lender has performed and is performing an essential function in rural economy, (I speak advisedly, even as the representative of another large system of rural credit) and it cannot be the policy of Government to destroy that whole class and make it impossible for them to perform their legitimate functions. In this connection may I for one moment advert to a point raised by the honourable lady member who pointed out that the co-operative societies in their propaganda frequently hold up to odium the *sahukar* as an enemy. There has inevitably been some opposition between co-operative societies as a credit agency and the *sahukar*. But it has not been and it certainly is not now the policy of the Co-operative Department, in carrying out any propaganda, to carry it out as against the *sahukar* as a class, and instructions have been repeatedly issued that propaganda is not to be carried out on those lines. The enemy of the zamindar and the Co-operative Department is not the *sahukar*, it is the usurer. On the other hand there is no doubt that the zamindar's whole outlook is overshadowed by the existence of the spectre of debt, debt which has accumulated partly by legitimate borrowing, partly by borrowing for extravagant and improvident purposes, partly by the accumulation of interest at rates which have sometimes been unconscionable and usurious and partly on account of his inability to pay in recent years owing to the prolonged agricultural depression. In some cases his attitude towards that debt is one of sullen resentment and in some cases, of despair. The element that is fast disappearing is that of hope.

I would like to say one word about the figures of this debt. The estimated debt of the province as a whole and of the individual zamindar in particular is of a highly conjectural nature and therefore, there is an uncertain element in any comparisons between the Punjab and the other parts of India. But, here I would join issue with the Leader of the Unionist Party who in replying to the member for Industries strongly contested the statement that the Punjab peasant was more prosperous than the peasant in other provinces; and for that purpose he cited figures showing that the debt of the Punjab zamindar was very much higher than the debt of peasants.

[Mr. F. R. Wace.]

in other provinces. Well, Sir, I thought that the proposition was by now familiar enough that the debt of a man corresponds roughly with his credit and that his credit can only be adjusted in accordance with his prosperity. Therefore, *prima facie*, if the figure of debt in the Punjab is higher than the figure of debt in other provinces, it is evidence that the Punjab peasant in the past at least, in spite of the restriction created by the Land Alienation Act, has been more prosperous than the peasant of other provinces.

The existence of an enormous load of debt is, however, undoubted. The question is, what can be done by Government by creditors and by debtors to evolve a solution of the problem which it represents. The Honourable Member for Finance in introducing the Bill cited instances to show the danger of attempting drastic, grandiose and rapid solutions of the problem. None the less, the tendency of nearly all speeches on the subject has been to suggest, directly or indirectly, that it is Government that must shoulder the burden, that no efforts by the parties concerned—immediately concerned, I should say—can contribute materially towards the solution. It has been said that Government should itself pay off the debts, compounded to a reasonable figure, and should recover it by easy instalments spread over a term of years; that mortgage banks and co-operative societies (terms which trip glibly from the tongues of those unacquainted with the difficulties which they involve) should undertake the burden. Now, as regards Government paying the debts of the zamindars and recover them, I leave it to Government speakers with more authority than I have to state the attitude of Government, towards such proposals. But to the rural debtors I would put this question whether they realise that by this process they are sacrificing some of the privileges conferred on them by the Land Alienation Act. For, if Government is to collect the debts, they must presumably collect them as land revenue and all the sanctions applicable to the collection of arrears of land revenue must apply to the collection of those debts. In the same connection I would ask the great class of creditors, how and from whom they suppose that this great sum of money for payment of debts is to be raised? If it is raised and suddenly disbursed amongst the creditors, how in the present conditions of trade and industry and the money market are they to employ at a profit this sudden and unprecedented access to capital?

I will now turn to the question of mortgage banks, a technical and a difficult one, the solution of which has been attempted on different lines in very many different countries. Now, it cannot be denied that in countries where land is freely alienable and where agriculture is prosperous or at least solvent, long term credit on the basis of the mortgage of agricultural land can confer immense benefit. I believe that even in this province, subject to the restrictions imposed on the transference of land by the Alienation of Land Act and to the reduced profits now to be obtained from land, an extension of mortgage credit is possible and can be of advantage. The question is being examined and, as announced in the recent Resolution of the Government of India following the Provincial Economic Conference, it will be one of the first on which the advice of Mr. Darling as representing the rural credit section of the Reserve Bank will be available for Government. But I must utter a word of warning. Mortgage banks, mortgage credit, mortgage associations cannot afford a complete solution of rural debt in the Punjab

and to suggest it and to encourage debtors to believe it is inadvisable and even dangerous. Let me stress one point in this connection. How do mortgage banks or corporations in any country raise funds? They raise them by the issue of bonds or debentures having as their basis the security of first mortgages on the lands of the debtors to whom the loans are issued. These bonds or debentures are to be subscribed by the public, by professional men throughout the province, by the members of the public such as the members of this House. Now, I would ask the question, are you as men of ordinary business prudence going to subscribe to these bonds if the security is not ultimately realisable, that is, if the bank is not to have absolute power, as it has in all countries in which the system is enforced, of foreclosing on the property and selling it outright or managing it, as may be more suitable? I think I should refer in passing to the experience of the mortgage banks established in this province. Those members who read the annual reports of this department, and I hope there are very few who do not, will be acquainted with the difficulties now being encountered by these banks. Those difficulties are largely due to their having been started in the boom period of agriculture and to advances having been made on the basis of land and crop values then prevailing. They are also due to reckless borrowing by members and to inadequate supervision by directors, and (let me not shirk any of the blame), to imperfect knowledge and control by the department. But here too, they find their ultimate difficulty in the practical impossibility of realising to the full their basic security, the land of the borrower. That such banks can be run and properly controlled, that they can advance loans and recover their instalments has been demonstrated by one or two examples. I may quote in particular the Shahpur Mortgage Bank which, largely under the guidance of the Nawab Sahib, the member for Shahpur, has maintained a record unequalled by other mortgage banks in the province. But I know that the Nawab Sahib himself, in whose presence I recently had the pleasure of inspecting his bank, will acknowledge the difficulties and the limitations inherent in mortgage credit in this province.

Sir, I have little more to add. We are debating not the specific provisions of the Bill—that is for the select committee and for subsequent stages—but its general principles. Only one point raised in the eloquent and able speech of Mr. Manohar Lal calls for brief comment from me. He drew attention to the fact that a considerable percentage of the loans made by co-operative societies were for the payment of Government land revenue; and he seemed to imply that this indicated that the zamindar was finding it more and more difficult to meet the Government demands. That the zamindar has in recent years, in certain areas, found it increasingly difficult to pay his land revenue, I do not deny. But it is fallacious to assume that the difficulty is demonstrated by borrowing from co-operative societies. A zamindar habitually borrows cash to pay land revenue for the simple reason that the land revenue payment usually falls due before he has realised the money from his crop. The loan is therefore a short term loan which is usually repaid as soon as the current crop is marketed. Therefore, the figures of borrowing for this purpose are no indication of the aggregate increase in the zamindar's permanent load of debt.

There is one other somewhat important point and that is about the conciliation boards. Great emphasis has been laid on the criticism that the

[Mr. F. B. Wace.]

monetary jurisdiction of these boards is practically unlimited. It is said that they have been given power not enjoyed by the high courts or by any other civil court in this country or elsewhere. In that connection I would draw your attention to one simple provision in the Bill, namely clause 6 (2). Under the definition of "debtor" it is laid down that a debtor means an agriculturist whose debt amounts to a sum prescribed by the local Government, for the area in which he resides, that is to say, that Government can prescribe in any area the amount which these conciliation boards can deal with.

The Bill provides no short cut to prosperity. None is possible. It does not purport to wipe off by one stroke the zamindars' debt and the money-lenders' anxieties. Such ideals, even if desirable, are impossible of realisation. What is surely needed is a measure that will put new heart and new hope in the debtor, that will convince him that his difficulties are realised by Government, that will suggest to him the way by which he himself, by his own efforts and aided by the sympathy and co-operation of Government and his creditors, can re-establish his credit and his self-respect. From the point of view of the creditor, what is needed is some measure that will tend to thaw and set flowing again the frozen streams of capital and credit and once more set his business going on a reasonable and profitable basis. The creditor throughout the province knows that a considerable proportion of his debt is in reality irrecoverable. He can only hope to have this proportion decided by a competent and impartial investigation, with very definitely increased chances of recovery of the balance.

For both debtor and creditor what is needed is an opportunity to come together and settle their difficulties on the basis of common interest and a common notion. It is these objects, if I rightly interpret the mind of Government that this Bill aims to bring about and it is for this reason that I would appeal to members on all sides of the House to raise this question out of the rut of party politics, sectional rancour and communal prejudice, and to give the measure a fair and unbiassed examination (*Applause*.)

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan, Rural): The honourable the leader of the Unionist Party has admitted practically in so many words that he was playing the roll of a paid advocate. That this is so is perfectly apparent from the mode of argument that he adopted and the admissions that he made. He told us that this Bill was designed for the protection of the poor peasant. But he also took care to see to it that he was included in that list although he was by no means either poor or a peasant or an agriculturist. He only wanted to be paid for his advocacy and the method of payment is that he indirectly confers upon himself by this piece of legislation a special privilege, namely of exploiting his fellow statutory agriculturists. He can get their land with perfect ease and he wants the machinery by which he should be able to add to his broad acres, to be oiled and greased and impediment and friction removed as much as possible. His position, therefore, reduces itself on his own admission to that of a paid advocate. Therefore, I would submit that all the arguments that he has adduced before you should be discounted as a judge would naturally discount the arguments of a paid advocate. He has made three principal points and almost everyone of them would not

bear a proper and judicious scrutiny. In the first place he has told us that the Punjab peasant was not the most prosperous in the land. The method that he adopted in proving that part of his proposition was to show that his debt was the highest. The honourable member who preceded me has shown to the satisfaction of the House, if not to his satisfaction, that the higher the debt, the greater is the prosperity. Of all the provinces of India it is apparent that the debt of the Punjab peasant stands at the highest. That shows that the Punjab peasant commands high credit and is the most prosperous peasant in the whole country. Another aspect of this question to which I would like to advert is that the honourable member was reluctant to examine and analyse as to what portion of this debt was productive and what portion was unproductive. If we judge by these standards it would be perfectly apparent, as has been shown to the House by the honourable member who preceded me, that the Punjab peasant is in a much better position than his brother similarly situated in any other part of the country. This is so far as the first proposition that he made is concerned. The second proposition he made was that the Punjab agriculturist deserves special treatment because of his military services, and a good deal of emphasis was laid on this. But I think it should be apparent to those officers of the Government who were engaged in recruitment work during the Great War that every effort was made to enlist non-agriculturist classes under the name and guise of agricultural classes. Numerous kamins were offered as Jat and Rajput recruits. Many who hold chits for having served the Government by supplying them with recruits during the Great War would know on examination that they really offered landless kamins in preference to such persons as were their own kith and kin. If anything at all, the original purpose of the Land Alienation Act, namely that it would enable Government to have a class from which recruitment could be easily made was not served. It stood in the way of easy recruitment. I think this must be known to most officers of Government. The third point the honourable leader of the Unionist party made was that he did not really want any of these protective measures. He did not want the Land Alienation Act; he did not want the Money-lenders Act; he did not want the Regulation of Accounts Act and he is not very much for this Bill which is now before the House and he was driven to the extreme of asking for these small mercies because something stood in the way of his being able to secure the rights to himself by the direct primitive method. That is his chief grievance. The relations would adjust themselves, normal relations would prevail and the good old rule, the ancient plan, let him keep who has the power, and let him take who can, would come into operation. This is what he is standing for. This is what he is preaching and I hope Government would take full note of that. I shall refer to this attitude in another connection and on another point. But this is the mentality behind the argument which needs to be publicly exposed. It is the Government which is standing in the way of his enforcing his alleged rights or in the way of his removing his alleged disabilities. Government will have to take full note of the mentality which really actuates and which is being preached by a gentleman who poses to be their friend. These are the only three points which were made by him and I listened to him very attentively.

Now coming to the merits of the Bill I may say at once that the Bill before us will not achieve any of the objects which the Honourable Member in-

[Mr. Labh Singh.]

charge of the Bill told us it was calculated to achieve. He told us in so many words that the Bill was intended to bring the money-lender and the debtor together. I hope I am quoting his words correctly. It would perhaps be more appropriate to say that this Bill is intended to pull classes by the ears and that is the way in which the money-lenders and their clients would be brought together or are intended to be brought together. Of course it has been said times without number and this is a very appropriate occasion on which this charge could be repeated, that our masters, our Governors, are really adepts in this art of setting one class against another and bringing people together on the basis and in the manner in which I have indicated. The opinions that have been invited—I have just one before me—are not very encouraging. One gentleman, the Deputy Commissioner of Multan, says on page 6 :—

“There is considerable force in their complaint and one cogent objection against the Bill as a whole is that, while it is bound to arouse bitter class feeling, it provides no solution to the real problem with which we are confronted.”

This is only a specimen of the opinions that have been expressed with reference to this capacity of the Bill to bring classes together. Everybody who has given attention to the details of this Bill and the policy on which it is based is of the opinion that this cannot but exasperate inter-class and inter-communal feelings. It is calculated to create more friction in the body politic rather than oil the machinery. It will not prove as a lubricant but it will be a piece of obstruction in the harmonious development of relations between the lending classes and the borrowing classes. A question in this reference was addressed by the Government to the Honourable Judges of the High Court and they have studiously refrained from giving an answer on the plea that it is the business of the Government really to examine the results of the policy that they advocate and they as such would not hazard an opinion on that point which means, read between the words, that they are apprehensive that this would lead to further estrangement between classes and will in no way tend to smooth matters or lead to harmonious working as is alleged by the authors of the Bill.

The next point that I want to make is that it is apparent that the Bill does not follow the recommendations of the Indebtedness Enquiry Committee. It was pointed out at great length by the honourable member for commerce and industry and I would not like to repeat the arguments that he addressed to the House, that it is perfectly apparent that the Bill as drafted ignores the vital recommendations of that Committee and belittles the safeguards under which those recommendations were made. The principal provisions of the Bill which is before us, I venture to submit, are ill-conceived and their full legal, economic, social and political implications have not been envisaged at all. To use the words of one of the District Judges, the District and Sessions Judge of Ambala,

It would be more honest for the legislature to throw off the mask and admit at once that the main object of the Bill is to secure that no proceedings shall be conducted in conformity with either law or justice.

This is the characterisation of the Bill made by one of the learned District and Sessions Judges in the province. I hope the framers would pause to think. It is a pity and it must be admitted as a fact that the debt is large and the amount of it is certainly increasing, but the question,

as I have already submitted, is to find out how much of it is productive and how much unproductive, and in order to devise proper remedies it would be essential that we should go into an analysis of the question. In the absence of that analysis and in the absence of that information, we are simply groping in the dark and would not be devising the remedies appropriate to the needs of the case. It is really the unproductive debt with which we are mainly concerned, and we have got to direct our remedies to that direction. The measure before us is not likely to furnish any the least relief, and in this particular point I am in full agreement with the Leader of the Unionist Party. The measure before us, I repeat, is not likely to give any the least relief. Its inevitable effect, as I take it, would be to disturb, and dislocate, and perhaps to destroy, entirely the rural system of credit. I will ask in all earnestness,

1 P.M.

can Government really afford to see this system destroyed? Will you be able to carry on or improve agriculture with this system of agricultural credit eliminated? Have you got a substitute? The co-operative system of credit which was brought into being hardly touches the fringe of the problem, and, if I understand aright from the reports that are being published from year to year, it has practically ceased to function, at least actively. (*An honourable member*: No.) I accept the amendment. It has not ceased to function, but it is grinding itself and doing its work perfunctorily. (*Interruption.*) Even if it is working in full swing and to the satisfaction of the department, the question is what part of the problem does it really touch? How much ground does it cover? What is the proportion that it bears to the entire system of rural credit with which we as a Council have got to deal? Your's is only perhaps an experiment in the laboratory. We have got to deal with colossal operations, operations on the large provincial and national scale. Your co-operative system touches now only the fringe of the problem as compared with the magnitude of the question with which we are dealing. It is merely a drop in the ocean. Now, if you destroy this indigenous system of rural and agricultural credit, you will simply rue the day. I hold that this system has its virtues. It is the least costly method that any student of economics must have come across in his studies and which prevails nowhere else in the world. Its effects have stood the test of time. It is an indigenous product, the result of a long process of social evolution. That is what you have got to consider. But I am not standing for it. I am prepared to grant that it is faulty. I am prepared to grant that it should be replaced by another system. But the point is where is the substitute? And when there is no substitute why destroy this? By destroying this without providing a substitute, you are simply bringing agriculture to a standstill, and it would be as much to the detriment of the Government as to that of the peasant if you abolish the system. All operations of agriculture in this country will be brought to an end. Why not develop the existing co-operative societies more and more? That will be the best way of supplanting this present system of credit. The sahnkar would be done away with, and automatically he would be displaced by your rural banks and your rural co-operative societies and other kindred institutions. Let the sahnkar die a natural death in the process of evolution. Do not try to strangle him. It would be both unnatural and unjustifiable and obviously uneconomic and not paying if you do so. I have tried to go through the opinions received, and they are unanimous that the Bill as drafted at present will gradually destroy

[Mr. Labh Singh.]

and curtail rural credit with all the consequences that I have enumerated. Government will be ill-advised in destroying the system. They themselves would suffer more than the zamindar, as I have indicated. A day would come when it would be no longer possible for you to collect your revenue. Eliminate the sowcar, and I prophecy with perfect confidence that it will not be possible for you to have your revenue with as much ease and as much promptness as at present. By killing out the sahukar you would compel the agriculturist to sell off his produce at the earliest possible opportunity in order to pay his land revenue and at the least remunerative rates. This is the injury that you are inflicting on the agriculturists and upon the Government. (*Pir Akbar Ali*: He does the same thing now.) He has now more staying power. He retains his grain and sells it at the most favourable opportunity. You have only got to examine the transactions of the agriculturist and the sahukar, and you will come to the conclusion that money is being freely lent to the peasants to enable them to pay off their land revenue demands. (*An honourable member*: Absolutely wrong.) My own impression is that this Bill is really a political stunt. It is really not calculated to provide in the least any economic relief and, unless it is radically modified it will prove to be a piece of political charlatanism. It will not help either one side or the other. It will only do the mischief which I have indicated. The remedy which this Bill seeks to propose is really worse than the disease. I think we all of us on every side of the House should really work together and find out the real maladies which afflict the zamindar, the hardships from which he suffers. Instead of investigating these difficulties we are presented with this Bill which would lead us nowhere. The permanent and real remedy of the peasants' ills, I would venture to submit, is the Gandhian remedy. The solution propounded by Mahatma Gandhi, I believe, is the real solution of the difficulty, namely, that you should give the agriculturist some sort of supplementary occupation. He remains idle for nearly six months in the year, if not more. You should try to utilise his services, and it is only by supplementing his income that you can really make him more prosperous and less dependent on the sahukar or the money-lender. That will be the real remedy. You should establish some sort of cottage industries, encourage people to take to callings other than pure agriculture and other avocations which require very little capital. That would be a real remedy which will help the peasant and which would help everybody. The second remedy, as has already been pointed out, is the industrialisation of the country. Unless you develop industries, the peasant is bound to remain as he is. No purely agricultural country can possibly expect that its members would be prosperous. It is impossible in the very nature of things. The real remedy lies in the promotion of industry. Here, however, there is a fundamental clash between the interests of India and the interests of England so far as the promotion of industries is concerned, and so long as that clash continues there seems to be no way out of the difficulty, and so long as that clash continues there cannot be any real endeavours by the Government to promote indigenous industries, and so long as industrialisation does not take place it is impossible to expect that our peasantry would become richer than it is at present. The condition of the peasantry must remain what it is. That is inherent in the very nature of things. The third remedy that I

would propound with your permission is the rationalisation of the land tax. By all means exempt the small holder of an acre or so. Graduate the tax if you like. Let him who has the capacity to pay be made to pay and not everybody irrespective of the fact whether he is in a position to pay or not. This process by whatever name you call it—I would call it rationalisation of land tax—will prove a real and permanent remedy and would make the peasant prosperous. Still more important, and one which perhaps is within the power of the Government to do at once, is the fourth remedy, namely, the nationalisation of the country's fiscal and monetary policy. Just at present we have absolutely no hand in determining our monetary policy or our fiscal policy. Even some of the officers to whom the Bill was sent for expression of opinion frankly tell us, that the real solution of the problem of the cultivator's debt is to be found in a reduction in the exchange value of the rupee, and this is the policy which in my opinion should be pressed upon the Government of India. This is mentioned in many of the opinions received. I would not dwell much upon this rather intricate and technical remedy, but this is really one of the vital things to which we should address ourselves and to which perhaps by the very condition of things we are prevented from paying any attention.

Lastly, I would submit that one mode of real relief would be provided by the retrenchment of expenditure. We have all complained from time immemorial, if I may say so, that the administration of the province is costing us more and more. Cut down expenditure. That would be a relief to the tax-payer. Let all that relief be given to the poor landowner if you so like. But unless you cut down your expenditure you cannot possibly expect that relief would come. For you cannot create something out of nothing. These are, in my humble submission, the real remedies which ought to be pursued if we want to see our peasant prosperous on a permanent basis. All other remedies would be quack remedies. They might at best be temporary palliatives. If you analyse them deeply you will soon discover that their after effects as well as their immediate effects would lead us nowhere. They will not prove to be real remedies of the situation, and the Bill only provides you with some quack remedies, as I have already said. As a matter of fact while coming to Simla with this Bill in my hand I was really thinking whether this Bill if enacted into law would provide more relief to the peasants or the making of a present to them of Rs. 20 or 30 thousand that we are likely to spend on holding a session of the Council in Simla would have afforded the greater relief. I have certainly not the least doubt in my mind, and I unhesitatingly came to the inference that making a present to them of the expenditure incurred on holding this session here and carrying on this infructuous discussion would make a better method of relief. The only result of this discussion would be that this Bill would be placed on the Statute Book. Place it on the Statute Book even as it is. I prophesy with full confidence that it will not help the agriculturist in the least. But with the help of Rs. 20 or 30,000 in a rural area you can establish a hospital or perhaps a couple of them, on a satisfactory and permanent basis.

Apart from the defects that I have enumerated and the objections which I entertain to the Bill as we have it before us my main objection is that this Bill and legislation of kindred nature tend to demoralise the people. It would demoralise both the borrower and the creditor. Take, for instance,

[Mr. Labh Singh.]

one simple item of fixing the rate of interest. Can rate of interest be fixed by fiat of the legislature? I know experiments of this kind have been made in America, perhaps in almost all the States. But what have they found? They have all come to the conclusion now that the rate of interest cannot be regulated by the State. State regulations of rates of interest is next to impossible. The honourable member in charge of the Bill made a very candid remark, and I took down his words. I am sorry I have not got them here. The purport of them was this that it was almost as difficult and dangerous to interfere with economic laws as it was to interfere with the laws of nature. Not only impossible to interfere, but if you interfere, you go one step further and you interfere at your own peril, at your own risk, at your own cost. And what is this Bill? Is it not an attempt to interfere with the laws of economics? Is it not, therefore, dangerous to enact it? Is it not therefore impossible to pass it into law? The Bill is a mere camouflage, a mere political stunt to divert attention. It has no virtue, no meaning, no significance. It will lead us nowhere. This is what I want to impress upon the members of the Unionist Party who espouse the cause of the peasants. (*An honourable member: Make it stronger*). In what direction? If the rate of interest is say, 5 per cent., if we bring it down to 2 per cent. will it make the Bill stronger? If we want to provide a real remedy we shall have to bring in an entirely different Bill. I venture to repeat again that the Bill as it is is a mere political stunt and not a measure of economic relief. If it is dangerous to interfere with the laws of nature and impossible to do so, the same, according to the mover of the Bill, applies to economic laws. Can you really regulate the rate of interest? Has anybody succeeded so far in doing so? If you prescribe the rate of interest what would be the result? The result would be inevitable, namely, the borrower and the creditor would collude. They will say: Al right, let us put down the rate at 8 per cent. because the law says it should be 8 per cent. But the real rate of interest would be what the creditor wants. It is really your credit in the market that would determine the rate of interest, your credit and its economic value. It is not a fiat of the legislature that can possibly determine the rate of interest. Has that been done successfully anywhere? Not to my knowledge. As I said attempts have been made in some of the States of America, but they have all come to nothing. They have realised at the end that it is impossible to regulate by an *ipse dixit* of the State legislature what the rate of interest should be. What would be the inevitable result? Collusion between the creditor and debtor and the demoralisation of both. I began by saying that my main objection to the Bill is the demoralisation to which it would lead. Are we not already sufficiently demoralised? Read through these opinions. What do you find? Are we not sufficiently demoralised already? That is perhaps the necessary incident of the state of political subjection in which we find ourselves, the necessary incident perhaps of the governance of one country by another. Whatever may be the reason the broad fact remains that we stand sufficiently demoralised. If you read through these three volumes of the opinions on the Bill the one thing that should strike you is that leaving aside the two, three, four or half a dozen opinions which are really candid and which are very refreshing for their candour and for their straightforwardness the rest are such that they unthinkingly say either yes or no. And the large majority of the opinions dare not speak the truth directly. They know

what the opinion of the Government is, and they understand which way the wind blows and they have got to see that their promotions, their preferments...

Mr. D. J. Boyd : I protest against this mean aspersion upon officials that they are afraid to tell the truth because they have to look to their promotion.

Mr. Labh Singh : I am not casting any aspersion. I am rather giving credit to those people who have spoken boldly. As for others I was speaking of the difficulties of their position. They indulge in circumlocutions as distinguished from those people who have dared to speak out their mind directly and boldly. Because they indulge in unnecessary circumlocution I think to that extent they are afraid to speak out the truth. It serves no purpose to waste the reader's time by going round and round as they do and trying to say things which one could say outright, directly and in bolder ways. I was going to make a contrast between those opinions which have indulged in periphrasis with those which have been rather candid and open when I was interrupted. My submission in brief is that the Government and the select committee will very carefully examine the reasons which support the various opinions. And if the opinions against the Bill are really sound and if they are borne out by experience, then those opinions should be given their proper weight and should be given effect to.

Another aspect of the question which is also a direct corollary of the Bill is that you are practically encouraging people to demand the repudiation of just debts. This is what the Bill does, and my honourable friends on the other side say they want the Bill to be strengthened and what would the strengthening of the Bill amount to ? It would come to this that instead of repudiating the debts by 20 per cent. let them be repudiated by 50 per cent or by 40 per cent. or *in toto*. I mean the more you strengthen the Bill the more would it come to this. In this country it is known to everybody that the discharge of debts and obligations has been considered the pious obligation of all.

To encourage them to repudiate their debts even in part would be trying to bring about a change in their mental attitude and in their morals which we should deprecate and discourage. The proposals as embodied in this Bill would simply let in a flood of demoralisation. The opinions before us tell us that the existing insolvency law is already being abused to a very large extent, and that demoralisation would be universal and complete if this Bill is passed into law. The repudiation of one obligation would lead naturally and normally to a tendency to repudiate all other obligations. Be prepared, I would submit, after this, for the next no-rent campaigns. With what possible justification, except perhaps the justification of force, can you possibly prevent these no-rent campaigns being launched after you have once allowed the idea to go abroad that people can repudiate their debts. The repudiation of one obligation would necessarily and by the force of logic lead to the repudiation of other obligations. It would be inevitable, and it would certainly be the next step from this. You cannot avoid these repercussions. You cannot allow the mind of people to work in separate watertight compartments. If they are encouraged to believe that this thing can be done in one direction, they would certainly jump to the conclusion that

[Mr. Labh Singh.]

it is also possible to do it in all other directions. The Bill, therefore, as I have already submitted, would tend to give a bolshevik orientation to the mentality of the people. I hope the House and the Government would ponder over this proposition. You are spending good money on anti-bolshevik propaganda and your own action is calculated to burst all barriers. This is what you are preaching by your conduct by putting through a Bill of this kind.

Mr. M. A. Ghani : May I know if any money is spent on anti-bolshevik propaganda by Government ?

Mr. Labh Singh : If not directly by this Government, certainly by the Government of India.

I have to make only two minor points and they are in the nature really of corollaries. It is a fact well-known to Government and to the House that the migration of sahuks from villages to towns is rapidly taking place, and a Bill of this description would naturally tend to hasten that process. It is for Government to consider if it is wise to do so. In my humble opinion the sahuks constitute centres of conservatism in the countryside. They are elements which make for strength and stability in the administration, and if you drive them to the towns you would leave the countryside bereft of those elements of safety, stability and strength, and the countryside would become one long prairie ready for conflagration which would be difficult for you to put out if it takes place.

The second corollary to which I want to draw the attention of the Government as well as the House is that the Bill has in it sections which relate to easy insolvency. The operation of these sections would practically automatically disenfranchise the people on a large scale. I hope it is known to all members that insolvency constitutes an electoral disability, and if a person runs insolvent he loses his right of vote. Those who are aware of the working of the existing insolvency laws know that, there is already a very growing and rapid tendency towards the acquisition of this status, this privilege. The easier insolvency procedure would lead to automatic disenfranchisement. I hope that the Government and the select committee will take note of these considerations and the measure would be made conformable to the dictates of conscience, common sense, justice and ordinary political prudence. The conciliation boards, I hope, would be deleted, else their jurisdiction would be restricted within the narrowest limits and the safeguards which were suggested by the Indebtedness Inquiry Committee would be provided, and also the right of appeal and representation by pleader would be conceded. I need not dwell upon the necessity of these provisions. The justice and necessity are apparent, and I hope these concessions would be made. The operation of the Bill, I trust, would be restricted to the petty holder and the small peasant in spite of what the honourable the leader of the Unionist Party has said, and its provisions would be so recast as not to be availed of by such high personages as our late Governor, or by our present Ministers or by the honourable the leader of the Unionist Party, and gentlemen of that degree of respectability, culture and strength, and that the

definition of an agriculturist would be also brought in conformity with the dictates of reason and the necessities of economics.

One thing very important that I would like to suggest at the end is this. If this measure is only an experimental one, its life should be limited to two years or at the best to three years. We have been told that this measure is of an experimental nature. If that is so, that should be provided for in the body of the Bill itself that the life of this Act when enacted would not exceed two or three years.

In the end, I would again refer you to the opinions that are before us. I hope full weight would be given to their contents. With these remarks, Sir, I resume my seat.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : Sir, I have got few points which have not been touched by the other speakers. When I read this Bill I was convinced that there has been a bankruptcy not only in the finances of the Punjab but also in the statesmanship of the Punjab Government which has chosen a Bill of this kind without understanding its implications and without in the least doing any good to any party, either the agriculturists or the non-agriculturists. Before I actually deal with the Bill itself, I want to make one point absolutely clear. The Honourable Finance Member has moved the motion, and I find that in the select committee which is to consider this Bill there are eleven members. Out of these eleven gentlemen, six belong to what are called the agricultural tribes. Three belong to the Government benches who are naturally supporters of this Bill at least in its present form, and two represent the non-agricultural tribes of the Punjab which in population is larger than the agricultural tribe in the Punjab.

It has been found that there are over 50 per cent. non-agricultural tribes in the Punjab and less than 50 per cent. agriculturist tribes. Therefore you can just imagine that if this Bill goes to the select committee as at present constituted there is absolutely no chance of the other point of view being heard or properly considered by the committee. That is one submission I would like to make to the Government members who are responsible for bringing forward this motion, that they should so constitute the committee that the two sides are evenly balanced so that the Government members may have a chance of giving their verdict on the various proposals that will come up before them. There is another proposal that I would press with all seriousness. The Bill is called the Relief of Indebtedness Bill. If on this committee there are any members who are themselves debtors, they should not be permitted to sit on the committee, because you cannot possibly expect an unprejudiced and impartial consideration of the question from such people who are to consider a Bill of this kind. I would give this warning to the Government members, because I intend to send this debate to the members of the Joint Parliamentary Committee so that they may see how in the future the Punjab is going to be governed. I really fail to understand why the two gentlemen, Mr. Labh Singh and Mr. Mukand Lal Puri who sat on the Calvert Committee have not been put on the select committee on this Bill. With these preliminary observations with regard to the constitution of the select committee, I shall make general observations with regard to the Bill itself.

[Mr. Nanak Chand Pandit.]

It is my definite opinion that this Bill is a class measure. Call it by any name you like ; but if you read the opinions you will find that there is a sharp cleavage between two classes, one the supporters of the Bill and the others those who oppose the Bill. For example, you know as a matter of fact that the district boards represent agricultural tribes and are generally in favour of the Bill ; whereas municipalities which generally consists of non-agricultural tribes have opposed the Bill. That is one line of distinction. Secondly, you will observe that the Bar Associations except that very highly intellectual Bar Association of Rohtak represented in this Council by Chaudhri Chhotu Ram and his other friends, and excepting the Muslim Bar Association of Sargodha, there has been unanimity of opinion against this Bill. That is what I find here. There may be one or two which I might have missed, but I can give you names of the various bar associations which have considered this Bill in all its bearing and have as a result opposed this Bill. Then again, I have seen that individual Hindus have generally, with some exceptions, of course, have opposed this Bill while the Muhammadans generally have supported the Bill. There is one Deputy Commissioner, Mr. Stainton, who has definitely stated that in his district the Bill has been opposed by the Hindus and supported by Muhammadans. There is one body of impartial opinion, unprejudiced and impartial opinion from the European members who are serving as district judges or deputy commissioners. I have very carefully gone through their opinions and I find that even those who are said to support this Bill actually oppose it because they have definitely stated in various places that with regard to the conciliation boards, with regard to the definition of agriculturist and so on there must be radical improvement. Thus that unprejudiced and impartial opinion which you find given by the European gentlemen shows that the Bill is a highly contentious measure and it would not be worth while to pass it without full consideration. Therefore I am perfectly justified in saying that this Bill is a class measure which is really the culmination of that policy of dividing class against class which the Punjab Government has been following for the last 84 years. I repeat these words and I am prepared to substantiate it that the Bill is really the natural and logical consequence of that policy which was enunciated in 1900 when the Punjab Land Alienation Act was passed in this province which was a class measure which has, if we understand facts properly, has not given any relief to the small peasant proprietor. That is my point. I shall demonstrate this by showing that what I am saying is perfectly correct. The Honourable Leader of the opposition said, "Look at the opinion of the District Judge, Ambala. He is merely a young man, fresh from college and his opinions are, therefore, not worth anything. The Punjab Land Alienation Act is not a class measure " and so on and so forth. I would like to place before the members of Government what was said by Lord Lothian's Committee (the Franchise Committee) which went into the whole of this question and gave this verdict after hearing all the evidence. Sir Miles Irving was the President of the provincial committee which co-operated with Lord Lothian's Committee. Here I must pay my homage to that committee which went into this question and gave an impartial verdict so far as the Punjab Land Alienation Act and the policy underlying that Act is concerned. It said that the Punjab Land Alienation Act conferred great advantages, social and economic on the members of the

agricultural tribes and it would not be right to give them any political predominance which they would get if they formed three-fourths of the electorate. Now keeping these matters in view, I would request the members of Government not to be carried away by the hysterical cry raised by pseudo-zamindars and by those who do not advocate the cause of poor zamindars but of the zamindars who have got money but who do not desire to pay the debts which they incurred. I would request the Government to go into this question very carefully and not to raise issues of vast magnitude the result of which would be paralysing the Government machinery in times to come. That is my deliberate opinion and this opinion I hope will be shared by those who once analyse what had been suggested here and what had been said outside this Council. We were told by one honourable member whom I do not see here now, the honourable Muhammadan member for Amritsar (Mr. Muhammad Sadiq) in a language which cannot be mistaken, how the Jews in England and in other countries had been dealt with in the past. The Jews according to him were money-lenders, disabilities were imposed upon them and everything was done to keep them out and destroy them. He also stated very briefly what had been done to the Jews recently in Germany. That is exactly the mentality of honourable members occupying those benches who would not take an impartial view the implication of that speech, and that has been understood by many of us on this side, is that when power is transferred to the agriculturists, the Hindus will be deemed Jews of India and will be dealt with like the Jews in England in the past and in Germany quite recently. This is not the first time that I hear such views. This has been said times without number in the Moslem newspapers that no quarter should be given to people who lend money to borrowers. Therefore I warn the Hindus that they should take note of what is being said here and outside the Council and they should so organise their forces by all legitimate and constitutional means and put before those who are going to give a new constitution for the whole country what is going to happen in the Punjab. We are accustomed to money-lenders being murdered and the murderers going unpunished. We know that on various occasions false methods are adopted in order that the payment may not be made. There are district judges, Europeans, who have said that this Bill will lead to fraud of that kind and so far as conciliation boards are concerned they would be of no help and of no avail. These are warnings given by those people who now possess some sort of power to stem the evil tide of repression which is going to arise after the whole power passes into the hands of those who will not know how to use that power. I, therefore, state with all the emphasis that I can command, but with every respect that 50 per cent. of the population of the Punjab is inadequately represented in this House. They have got very few representatives on account of the land qualification which is the chief qualification for membership of this Council. It is our duty to see that this 50 per cent. of the population is not injured in this way. That is the appeal which I make to the members on the Government benches.

Now, the honourable member for Rohtak (Chaudhri Chhotu Ram) questioned the *bona fides* of myself, of Mr. Mukand Lal Puri and of the honourable lady member. Speaking for myself, I had three times the honour of fighting the election. In the second election I had to fight with an agricul-

[Mr. Nanak Chand Pandit.]

turist member and the Ministers went to my constituency to help that agriculturist candidate. I had to fight not only the agriculturist candidate but also a congress candidate. I defeated both of them. The poor zamindars of the Hoshiarpur district reposed their confidence in me. It, therefore, does not lie in the mouth of Chaudhri Chhotu Ram who represents only half the district of Rohtak to come forward and say that he alone is the representative of the agriculturist in the Punjab. I may say this—and I have said it more than once on the floor of the House—that I regard the agriculturists as the backbone of the Punjab. It is through him that every profession thrives here and grows prosperous; and if anything can be done to promote his welfare Chaudhri Sahib will find that we are not in any way behind him.

I submit that the real problem is not tackled by this Bill. What is the problem? It is this in a nutshell. Here are a number of persons who are called money lenders. They have no hope of recovering the money they have lent and they have no more money to lend. That is the point. I would request Government to note this point that by merely calling them money lenders or bankers they should not be supposed to have got a hoard of wealth to their credit. These people who had been lending money as a profession find at this time that they have not got any money with which to carry on their business or earn their subsistence. That is one part of the problem. The other part is this. Leaving aside those big and rich landlords who have taken loans and who do not want to return them because they have the sense of security that their land is protected by the Punjab Alienation of Land Act, there are as a matter of fact a large number of small peasant proprietors who are in debt, who are born in debt, who live in debt and who die in debt. Therefore the problem is this, how to benefit this class

2 P.M.

of people on the one side who are deserving of full sympathy and on the other side the large class of moneylenders who have to depend for their livelihood on the profession which they have been carrying on and who will now find that they have no money left and their debts are not to be paid. This is the problem which the Government if it is really in earnest to solve the problem should direct its attention to. And I say with all seriousness that this Bill does not touch the problem at all; not at all. It does not, as Mr. Manohar Lal has remarked, even touch the fringe of the problem. In this connection I would very briefly touch upon the provisions of the Bill. Take for example the definition of the agriculturist. It is not I who am saying this but it is Mr. Penny, an officer of very long standing, Commissioner of Multan and a person who has got greater experience in matters like this than my friend Chaudhri Chhotu Ram, who says that an agriculturist should be defined as one who carries on the profession with his own hand. An agriculturist or a cultivator is the person who cultivates the land with his own hand. And because he is a worker, because he is a tiller of the soil and because he is not in a position to compete with other people, he must be protected and that cultivator of the soil, or the tiller of the soil will have my full sympathy whether Rai Bahadur Chaudhri Chhotu Ram has it himself or not. But he does not want to help him. I say this, that throughout his career he has never brought forward one single motion that the agriculturist money-lender who swallows the land of this small peasant proprietor without any pity should be touched

at all. It is about this type of money-lender that Mr. Darling has written in his book that while the non-agriculturist money-lender shows some kind of pity to the small peasant proprietor the agriculturist money-lender does not. Rao Bahadur Chaudhri Chhotu Ram has never said that so far as the land of this small peasant proprietor is concerned it should be held inalienable even against this agriculturist money-lender. And I am a supporter of this proposition that the small peasant proprietor who lives by the sweat of his brow, by the labour of his lands, should be protected against the agriculturist money-lender as well. Chaudhri Chhotu Ram should come forward with a proposition of this kind. Now if under sanction from the Deputy Commissioner the land of this man is going to be sold, then it should be sold in the open market. There should be open field and no favour. If a land is sold in the open market it is bound to fetch a higher price than otherwise. The agriculturist money-lender should not be allowed to go on weaving his net like a spider round the poor peasant proprietor. Therefore I submit that this amendment is absolutely necessary in the interests and safety of the small peasant proprietor. It is an axiom of political economy and every elementary student knows that if you can give security you can get money at a lower rate of interest. Everybody knows that. The result of the Punjab Land Alienation Act has been that the rate of interest has been higher in the case of these people who cannot offer any security. The result of that has been that alienations have been going on and the peasant proprietor has been suffering and if my honourable friend, Chaudhri Chhotu Ram takes into consideration the condition of the Muzaffargarh district and other districts which are mentioned by Mr. Darling, he will find that what I have been stating is perfectly correct. Therefore if you are really serious in giving relief to the peasant proprietor, the definition of an agriculturist should be radically amended and it should be made occupational. I cannot for the life of me understand why a man owning thousands of acres, cultivating the land through servants and then borrowing money from money-lenders and banks, should be protected. I do not understand this logic. Why should such a definition be given here of the agriculturist money-lender. The reason is plain. The Government has practically passed into the hands of these big zamindars. Look at the constitution of the Government benches. (*Interruption*). You cannot possibly expect that Chaudhri Chhotu Ram, the protagonist of the agriculturists or other members sitting on the Government Benches, the Members of Government, should support the definition which Mr. Penny has suggested and which various other members here have suggested. Therefore this is one important point which I would submit before the Government and if that definition is inserted and the Land Alienation Act is amended in the manner in which people have suggested, you will perhaps have the wholehearted sympathy and support of members of my party. I say perhaps because there might be one or two who will not agree even there. But speaking for the majority of the people in the Punjab, if you remove this inequity and inequality which exists in the Act, things can go a long way in meeting and overcoming the trouble.

With regard to conciliation boards, opinion has been expressed in no uncertain terms that these boards are unworkable and it would not be possible to make any proper use of them. Whether the officials to whom

[Mr. Nanak Chand Pandit.]

reference has been made have supported these boards or not, there is one undercurrent running throughout their suggestions and that is that it would be difficult to find impartial and honest men to work on these conciliation boards. And, who is to appoint these conciliation boards? The Local Government. And who is going to be the Local Government in the future? Members of those tribes who now predominate in this Council and who are bound to predominate in the future. Therefore, you cannot possibly expect an impartial selection or election to these conciliation boards. That is one point. Then the second point in this connection, which has been made out by various persons who deal with these matters is with regard to the service of notice, and the wiping off the debt. Almost all have stated that this would lead to mere fraud. People have said that in the matter of service of notice there is always some sort of wrong report. Chaudhri Chhotu Ram was showing some notice or something like that. But I can give him my personal experience. I am not a money-lender but some members of the agricultural tribes took forcible possession of a piece of land belonging to me situated in my village. But thanks to a non-agricultural gentleman, who on this occasion was Mr. Jenkins I was given possession of this land. Not satisfied with this they took over a portion of that land once more and I had to go to a civil court and I got a decree with some costs which amounted to about Rs. 170. Now for the last three years I have been trying to serve notice on them to recover this Rs. 170 from 5 people who possess land, who possess houses in my village and who paid the fines imposed on them. Reply is always received that there is nobody in the village and no person belonging to that party who could tell us about the property to be attached. These things have been going on for the last three years. If members of agricultural or non-agricultural tribes can deal in this manner with a man like myself, you can just imagine what would be the lot of the poor illiterate money-lenders who have got no such resources as I have got. And if I take steps to arrest these men, my honourable friends will say that I am proceeding against the members of the agricultural tribes. I have not done that so far. But here is a problem which has been distinctly pointed out by the learned district judges and other people who deal in law affairs and on which there have been rulings of courts that the misery of the decree holder begins when he has got a decree. He has to spend more on the recovery of the amount than the actual amount itself. These points must be put forward in reply to the honourable member who has spoken vehemently against Mr. Mukand Lal Puri and Shrimati Lekhwati Jain. But here I give you a personal example. Let Chaudhri Chhotu Ram take it up and investigate it. This is the second point with regard to the conciliation boards.

A third point is that after the decree has been given, if mistakes are made there is to be no appeal, no revision, nothing of the kind. I cannot understand why a board which is to consist of persons who have got no judicial training or very little of it should not be appealed against. Why should it not be revised, reviewed or appealed against? There is a considerable body of opinion which exists on this point and which supports the view I am submitting.

Again with regard to the question of arrest, I do not like to arrest people for debts and the District Judge of Karnal has said that in his two districts

of Karnal and Rohtak from where Chaudhri Chhotu Ram comes, there have been numerous decrees going into thousands and there have been arrests only in a few hundred cases, perhaps the number is 117. If this power of arrest is taken away or if a notice is to be issued to the person who is to be arrested to the effect that he is going to be arrested he can run away from British territory into a native State and can escape arrest. I ask therefore, "how are you going to tackle this problem?"

Another point I would submit, as the learned Judges of the High Court have said, is, what is the benefit to the money-lender if instead of having his debt cleared, he gets a certificate from this board—one paper in place of another paper? He can only sit down in his house and get the satisfaction that three honourable members one belonging to the agricultural tribe, another to non-agricultural tribe and the third to another tribe, have given him a certificate which he can keep in his pocket not knowing when and how he is going to recover his money. I do not know who was responsible for this wonderful provision. The people are brought together, the debtor and the creditor, a settlement is arrived and what is that settlement? A person who has lent one thousand rupees will get a certificate for Rs. 300 and he will have to be satisfied with what you have done for him. A settlement should benefit both the parties but in this case it will benefit only one. The Government member who has invented this settlement cannot be congratulated on bringing about such a settlement. Of course it would be a settlement if you say, "look here I owe you one thousand and am prepared to pay you Rs. 500; let us settle." But this is no settlement to say that instead of one paper you have another, and have the satisfaction that a settlement has been arrived at. It would be a very cheap thing to do undoubtedly. Why do you not say that all the debts should stand wiped off. There is a clean sweep. One hundred and thirty-five crores are going like this, as Mr. Sadiq suggested, as it was done in England. According to him Germany, England and France have done it. I do not know whether they have done it or not, but Mr. Sadiq seems to have some information on this point and relying on that I do say that 135 crores should be wiped off. This solution does not appeal to anybody. No man of any sense and reason unless there are political reasons behind will agree that this is a reasonable solution. Even Mr. King has said that this Bill will have a very bad political effect because one class of people feel that Government times out of number have been siding with the other side and sacrificing the interests of half of the population. I have not the least hesitation in saying that just 50 per cent. are neglected. They cannot purchase land, they cannot build houses and the doors of Government service are being closed against them. Sir Jogendra Singh in a reply to a question this morning said that all things being equal a member of the agricultural tribe will have a preference and these things being equal, we all know how they can be made equal. If there is a difference of 19 and 20 things still can be made equal. Then the non-martial races are not even permitted to go into the army, which is the last resort of these martial races. Now when the poisonous gases will come I do not know whether they alone will be fodder for the gases or other people also will suffer. Chaudhri Chhotu Ram lives in the 14th century. He is unaware of the things that have taken place in Europe to-day and if there is one class of people who are going to suffer most it is

[Mr. Nanak Chand Pandit.]

the people living in the cities where bombs will be dropped and poisonous gases will be thrown. What are the martial races going to do them?

Mr. President : I hold this to be irrelevant.

Mr. Nanak Chand Pandit : Therefore I may submit that the other occupation of getting themselves enrolled in the army is also closed to them. Where are these 50 per cent. of the population to go? Are they going to take this Relief of Indebtedness Bill and parade it before the people saying "here is the magna charta, of the money-lenders and we are satisfied because it will solve our problem and will bring happiness to our children."? Honourable members who sit on Government benches have closed their eyes. Either the facts are not placed before them or they imagine that in villages and other places the money-lenders have large hoards of money which they can utilize in time of need. They are entirely ignorant that to-day the traders and the money-lenders have nothing to fall back upon and are dying of starvation. I know it and can prove it that they have nothing to live upon. After all you are also responsible for the safety and the prosperity of 50 per cent. of the people who live under what you call your law and order. This therefore is a matter which is not to be lightly brushed aside. You may do so but I am going to send this debate to members of Parliament. It is the logical consequence of that policy which you have been pursuing for the last 40 years of sacrificing one class of people for the sake of others. The situation that presents itself to-day is, as Mr. Manohar Lal pointed out yesterday, 40 per cent. of the income of the peasant proprietor is taken away by Government.

The Honourable Mr. D. J. Boyd : Is it not an incorrect interpretation of the speech of the honourable member for the University? I think he said that 40 per cent. of the expenditure of an agriculturist is taken away by land revenue and *abiana* demand.

Mr. Nanak Chand Pandit : I will leave Mr. Manohar Lal alone, and will say that 50 per cent. of the income of a peasant is taken away by Government and if you want me to prove it by facts and figures that 50 per cent. is taken away by land revenue and 20 per cent. or a little less by petty officials, etc., I will be prepared to do so.

The Honourable Mr. D. J. Boyd : I invite the honourable member to prove this to Sir Miles Irving.

Mr. Nanak Chand Pandit : No I will come to the Honourable Finance Member and prove it. He will not shirk his responsibility. It is a known fact. There was that bribery enquiry committee; and further I wanted to bring this question and Chaudhri Afzal Haq also wanted to do so in the last session of the Council but unfortunately we could not bring this up for want of time. The small peasant proprietor has to pay this gratification to various officials. I have known these things while moving amongst these people. I am quite at one with Chaudhri Chhotu Ram that the real problem is the education of these people. Chaudhri Sahib will remember that times out of number I have, on the floor of this House, asked for

compulsory education. I sat on the committee on compulsory primary education, but its report did not see the light of the day and I do not think it will be translated into a Bill at all. The real remedy therefore is that the Government should come forward with an offer for a reduction in the land revenues. It should not put these agricultural tribes against the money-lenders. They should therefore try to find a real solution and such a solution can be found. I submit that if the House and the Government interest themselves in this matter a solution can be found. A loan can be floated and by that loan reduced amounts can be paid to the money-lenders. You can float a loan at 3 per cent. or $3\frac{1}{2}$ per cent. and you can pay to the money-lenders from 50 to 75 per cent. according to what has been repaid to them and then you can get by instalments these loans from the peasant proprietors. But I will always make an exception that these rich and big landlords, these capitalists and these professional men, these doctors and lawyers who in the garb of agriculturists are trying to get all the benefits for themselves, they should not be protected. I read in these opinions a gentleman perhaps a European gentleman asking whether Sir Jogendra Singh and Sir Sikander Hyat Khan are also to be classed as agriculturists and I would ask Sir Firoz Khan Noon the same question. My submission is that first of all a select committee should be constituted which may inspire confidence in the minds of the 50 per cent. of population. I appeal to Sir Miles Irving who is known for his justice and for his impartiality, whatever other people may say, Sir Miles Irving knows I have always put full confidence in him and I hope he will induce Mr. Boyd to add four other names in order to balance the two parties. Of course Chaudhri Chhotu Ram would like to see that the Bill is worded as he likes it. But I would beg of you that it is not a matter which can be brushed aside lightly. You cannot trifle with these threats which have been held out by Mr. Sadiq and we cannot trifle with the feelings of 50 per cent. of the people. These threats will be translated into action in the new provincial autonomy which is coming just now.

Mr. President : The honourable member is repeating his own arguments.

Mr. Nanak Chand Pandit : I am summing up and therefore the Government members should take a more just view of the things (*hear hear*).

Mian Nurullah : May I point out one small fact that none of the members whose main source of income is from agriculture has spoken yet ?

The Honourable Mr. D. J. Boyd (Finance Member) : I have got two very good reasons for making my remarks very brief. One is that I am hungry and the other is that my main thesis is already amply supported by all speakers, at least by a great majority of speakers. There is one statement of the last speaker which I think it will be dangerous to let pass unchallenged. He has maintained that this is a case of opposition between 50-50 of the population. It is nothing of the kind. Far from it. If it is an opposition between agriculturists and money-lenders then it is an opposition between something like 50 per cent. of the population and perhaps 10 per cent., a very small percentage indeed. Therefore this plea of want of representation of money-lending classes is entirely beside the point.

[The Hon. Mr. D. J. Boyd.]

The position of Government in this debate has turned out to be that of one who interrupts in a quarrel between a husband and wife. The interrupter gets the worst of it. In the same way both sides have attacked the Government and to my mind unfairly. The main attack has been that it has done nothing whatever to encourage industries especially cottage industries. As for the encouragement of industries I must leave that to my honourable colleague the Minister for Industries. But with regard to cottage industries the scope is very small indeed. There are very few things that can be done and I claim that Government has tried to do them. There is the case of the lac industry. A great deal of money has been spent on research in it and I hope that it will bear real fruit before long. There is also the case of silk rearing. Everybody knows that owing to the introduction of artificial silk there is so great a fall in price that nothing much can be done at present. There is the case of bee-keeping. That has also proved very difficult but it is being attended to by the agricultural department. There is also poultry keeping. Agricultural assistants are receiving training in this line so that they may go down and teach zamindars how to keep and rear poultry. There is also a section in the Hissar Cattle Farm working at a new breed of sheep that would be really suitable to the province. I can only mention these things very briefly indeed. But I think that they deserve to be mentioned in reply to the attack that has been made upon Government that it has done nothing to increase the wealth of the people. That, of course, taken in the wide sense, is a wicked misrepresentation. I once sat between Pandit Moti Lal Nehru and Mr. Iyengar at a lunch and they talked as a matter of course of the Punjab as the richest province in India. When they said that I gasped because I believed it to be one of the poorest. I said: What on earth do you mean by saying that it is the richest province? They said, "Of course, it is. Look at your canal colonies. They forgot to add that the canal colonies had been made by this very Government that is blamed for doing nothing to increase the wealth of the people. It has raised the Punjab from one of the poorest provinces in India into a first rate province. I did not hear any speaker giving credit for that. They very seldom do.

There is only one other remark I would like to make and that is to regret very much the failure of my appeal to keep bitterness out of this debate. Two of the speeches, Mr. Manohar Lal's and Mr. Wace's had been on a very high level indeed and it was a pleasure to listen to every word of them. Other speeches have not been open to criticism on the ground of bitterness but some, and particularly, one is open to the very strongest exception on that ground. I think we on the Government benches have got a very good ground indeed for complaining of the aspersion, absolutely and utterly unworthy aspersion, made upon Government in saying that it introduced this measure merely as an apple of discord between the two communities. That is absolutely untrue and I deny it utterly. Another aspersion to which I take the strongest exception is the aspersion on Government officials, the suggestion that they would not give their true opinions for fear that their promotion would be affected. To begin with, Government which is responsible for their promotion is not so petty-minded as to take notice of their opinions when it comes to a question of promotion.

Mr. Labh Singh : May I explain? Nothing of that kind was said, All I said was they are to look to the opinions of Government while expressing their opinion on the Bill. They know the mind of Government and they give their opinions so as to suit the provisions of the Bill.

The Honourable Mr. D. J. Boyd : I am afraid I have not quite understood. But I am delighted to hear that the member has not the unkind intention which he seemed to have when I was listening to him.

The third is another aspersion with which perhaps I am not personally concerned and which I might let go but it was highly unfair. It is the unfair aspersion on the martial classes that they sought to gain credit during the War by producing as recruits their kamins and members of the non-martial classes. I think it is a very unfair aspersion on a very gallant class of men.

Finally I would only say that whatever one's opinion may be about the establishment of conciliation boards I think it is quite clear that there are four parts of the Bill which are a real contribution to the solution of the relief of indebtedness, or at any rate to the relief of the agricultural debtor. These are the extension of the summary procedure of insolvency, the amendment which to my mind has been long overdue, of the Usurious Loans Act so as to make it into a real working measure instead of the fiasco that it has been up to date, thirdly the protection of the debtor from summary arrest and lastly the introduction of the principle of *damdupat*.

I think that is all that I need say. I hope the House will now commit the Bill to a select committee. (*Cheers*).

Mr. President : Question is—

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

Rao Bahadur Chaudhri Chhotu Ram

Khan Bahadur Sardar Habib Ullah

Khan Bahadur Nawab Muhammad Hayat Qureshi

Diwan Bahadur Raja Narendra Nath

Mr. Manohar Lal

Sardar Bishen Singh

Pir Akbar Ali

The Honourable Sir Miles Irving

Mr. J. D. Anderson

Nominee of the Honourable President and

The Mover.

Mr. Labh Singh : I propose—

That the name of Mr. Mukand Lal Puri be added.

Rao Bahadur Chaudhri Chhotu Ram : I propose—

That the name of Chaudhri Riasat Ali be added.

Mr. President : Amendment moved is :—

That the names of Mr. Mukand Lal Puri and Chaudhri Riasat Ali be added.

Mr. President : Question is—

That the names of Mr. Mukand Lal Puri and Chaudhri Riasat Ali be added to the select committee.

The amendment was carried.

The motion as amended was also carried.

Mr. President : What shall be the quorum of the select committee ?

The Honourable Mr. D. J. Boyd : I propose that it be fixed at seven.

The council agreed to the proposal.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** May I seek the guidance of the Chair on one important aspect of the Bill. It is a very controversial Bill which will go to the select committee. We should very much like to know what amendments can be moved in the select committee by way of addition, omission or alteration.

Mr. President : Our Rules and Standing Orders are silent as to the functions and powers and also as to the procedure of select committees. This is a very serious omission indeed. Our select committees do not know what additions and alterations can be made to Bills referred to them. Is it the pleasure of the honourable members that on the point raised by the honourable member I may send a note to the select committee or briefly state to the House the powers and functions of a select committee according to Parliamentary Practice ?

Mr. Manohar Lal : Would the note of yours bind the select committee ?

Mr. Mukand Lal Puri : What is the object of that note ? Will it be to guide the deliberations of the select committee or to limit their operations ?

Mr. President : According to Sir Erskine May's Parliamentary Practice my answer to Rao Bahadur Chaudhri Chhotu Ram's question is :—

"Doubts have arisen whether the committee, to whom a bill has been referred, can by amendment so change the provisions of the bill, that when it is reported to the house, the bill is in substance a bill other than that which was referred to the committee. A committee can negative every clause of which the bill committed to them is composed, and can substitute for those clauses new clauses, if relevant to the bill, as read a second time, and otherwise in order." (P. 412).

It would appear from the passage I have read out that relevancy is the sole test, and this is further explained on page 398 of the same book :

"It must be borne in mind that, under the parliamentary usage in force in former times, an amendment might be wholly irrelevant to the motion or bill to which it was proposed, and that consequently clauses might be added to a bill during its progress through the house relating to any matters however various and unconnected, whether with one another or with the bill as originally drawn."

This was the original practice.

"A reaction from such laxity of procedure led to the establishment of rules and practice which imposed on the House of Commons an inconvenient rigidity in dealing with a bill. No amendment could be moved which was not strictly within the scope of the prefatory paragraph, known as the title, which is prefixed to every bill and describes its object and scope." (P. 398).

In other words, the rule was that nothing which went beyond the scope of a Bill could be inserted in it by a select committee but that everything

within the scope could be inserted. However, this rule also was found to be unsatisfactory, and

"To obviate the difficulty thus created, the House, in 1854, by Standing Order No. 34, gave a general instruction to all committees of the whole House to which bills were committed, which empowered them to make such amendments therein as they should think fit, provided that the amendments were relevant to the subject-matter of the bill; and, if such amendments were not within the title of the bill, the title was to be amended, and reported specially to the House." (P. 398).

According to this rule every amendment that is relevant to this bill can be made by the select committee even if it goes beyond the scope of the Bill, in which case the scope should be widened by amending the title of the Bill. The Standing Order 34 of the House of Commons runs as follows:—

It shall be an instruction to all committees of the whole House to which bills may be committed, that they have power to make such amendments therein as they shall think fit, provided they be relevant to the subject-matter of the bill; but that if any such amendments shall not be within the title of the bill, they do amend the title accordingly, and do report the same specially to the House.

The procedure of a committee of the whole house, of a standing committee or of a select committee is generally the same. For reference see Sir Erskine May's book, page 478. There occurs the following sentence:

"Generally speaking, the proceedings of a select committee are assimilated, like those of standing committees, to those of a committee of the whole House."

The Council then adjourned sine die.

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PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Thursday, 18th October 1934.

The Council met at the Council Chamber at 2 P. M. of the clock. Mr. President in the chair.

OATH OF OFFICE.

The following members were sworn in :—

Mr. F. C. Bourne (Secretary, Electricity, Industries and Labour).

Professor W. Roberts (Representative of the Anglo-Indian community).

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural).

Mr. D. Macfarlane (Chief Engineer).

STARRED QUESTIONS AND ANSWERS.

CANAL ADVISORY COMMITTEES OF DIPALPUR AND SOHAG DIVISIONS.

***3525. Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member please state—

- (a) the names of the non-official members of the Canal Advisory Committees of (i) Dipalpur division and (ii) Sohag division respectively ;
- (b) how many suggestions or requests were made at the meetings of the committees by the non-official members of (i) and (ii) in (a) above, from 1st June 1933 to 31st May 1934 ;
- (c) how many of the suggestions or requests mentioned in (b) were accepted ;
- (d) if the number of suggestions accepted is almost nil or very small, what are the reasons for it ;
- (e) what are in brief the suggestions or requests that were rejected ;
- (f) what expenses were incurred by Government in convening the meetings of these advisory committees ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) It is presumed that the honourable member refers to what are now called the Khanwah and Suleimanke divisions of the Dipalpur Canal ;

(i) *Khanwah division—*

1. Sardar Muhammad Hussain of Ganja Kalan (Lahore district).
2. Lala Dhanpat Bai, Honorary Magistrate, Chunian (Lahore district).
3. Malik Khuda Bakhsb, Zaildar, Khai Hithar (Lahore district).

[The Hon. Capt. Sirdar Sir Sikander Hyat-Khan.]

4. Chaudhri Muhammad Anwar Khan of Kue Ke Bahawal (Montgomery district).
5. Lala Ram Rakha, Rais of Shah Yakka (Montgomery district).
6. Lala Devi Bakhsh, Rais of Chak Nihal Chand (Montgomery district).

(ii) *Suleimanke division*—

1. Sardar Arjan Singh, Zaildar, Mokai.
2. Mian Ghulam Nabi Shah.
3. Sardar Karam Ellahi, Mokai.
4. Chaudhri Muhammad Anwar Khan, Zaildar, Post Office Kue Ke Bahawal.
5. S. Niwazish Ali, B.Sc., of Chak Hyderabad.
6. Sardar Datar Singh, Dairy Farm Manager.
7. Hafiz Khalil-ul-Rahman Shah, Honorary Magistrate, Montgomery.

(b) (i) Three.

(ii) Thirteen.

(c) (i) Two.

(ii) Four.

(d) Taking the two divisions together it will be seen that six out of sixteen requests or suggestions were accepted, which is not a negligible proportion.

The main reasons for rejecting suggestions are that they are financially, technically or administratively impracticable or that they have a provincial application and so do not come within the scope of a Divisional Committee.

(e) (i) The maize used for fodder should be assessed at fodder rates.

(ii) (I) That area of zamindari watercourses should be deducted in measuring up crops.

(II) That if cotton and *chari-moth* are grown mixed and cotton fails the remission should be given both on cotton and *chari-moth*.

(III) That when a crop is sown on well water and subsequently irrigated by canal water only half *abiana* should be charged.

(IV) That land should be acquired along the minor of Haveli distributary for construction of boundary roads.

(V) That if any action has been taken on a certain question asked in the previous committee meeting, the correspondence relating to that action should be laid before the Committee.

- (VI) That on irrigation from outlets at the tail of distributaries and minors half remission should be permissible if the crop is only worth annas 8 in the rupee.
 - (VII) That a certain patwari should be transferred.
 - (VIII) That when gram and fodder are sown mixed only the fodder rate should be charged.
 - (IX) That in *warabandi* cases the certificate of the civil patwari to the accuracy of the list of areas should be dispensed with.
- (f) The total expenditure incurred by Government in connection with meetings of the committees held between the dates specified was Rs. 123-4-0.

INSPECTOR OF FISHERIES.

***3526. Sardar Sampuran Singh :** Will the Honourable Minister for Agriculture please state—

- (a) whether it is a fact that the object of the Fisheries Department is not only to levy tax on the fishermen of the province but also to increase the supply of indigenous fish by proper scientific means ;
- (b) what scientific academic qualifications or special knowledge in fish culture the Inspector of Fisheries possesses ;
- (c) whether it is a fact that a new gazetted post in the provincial grade is being created in the Fisheries Department ; if so, what reasons and what definite qualifications are fixed for the same ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) No scientific academic qualifications ; but has acquired special knowledge in this line during his service in the Fisheries branch for about 29 years.

(c) No.

INSPECTOR OF FISHERIES.

***3527. Sardar Sampuran Singh :** Will the Honourable Minister for Agriculture please state if it is a fact that the Inspector of Fisheries is the only officer directly in touch with the outdoor fisheries staff, and that all promotions, transfers and punishments to the subordinate fisheries staff are given on his recommendation ?

The Honourable Sirdar Sir Jogendra Singh : Yes. The Director of Agriculture and Assistant Director of Agriculture, however, occasionally inspect the work of the Fisheries staff when on tour. All cases of promotions, transfers and punishments to the subordinate Fisheries staff are carefully considered by the Director of Agriculture before orders are passed.

SIKH REPRESENTATION IN FINANCIAL COMMISSIONERS' OFFICE.

***3528. Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Member for Revenue please state—

- (i) the total number of posts of (a) superintendents, (b) assistants and (c) senior clerks in the Financial Commissioners' office ;
- (ii) how many of them are held by Sikhs ;
- (iii) whether it is a fact that there is a paucity of Sikhs in this office ;
- (iv) if the reply to (iii) above is in the affirmative, what action Government proposes to take in the matter ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (i) and (ii) The total number of posts in the Financial Commissioners' office and the number held by Sikhs are given below—

	<i>Superintendents.</i>	<i>Assistants.</i>	<i>Senior Clerks.</i>
Total number ..	(a) 6	(b) 24	(c) 14
Held by Sikhs ..	(a) Nil	(b) 1	(c) 1

(iii) Including junior clerks Sikhs hold 12 out of 80 permanent appointments, and Government does not consider that there is a paucity of Sikhs in the office as a whole.

(iv) Does not arise.

ADMISSION OF GIRL STUDENTS IN AMRITSAR MEDICAL SCHOOL.

***3529. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- (a) whether it is definitely given out in the prospectus of the Amritsar Medical School that 15 girls are to be admitted to the first year class in the present year ;
- (b) how many girls in all communitywise (Hindu, Muslim and Sikh) applied for admission ;
- (c) how many such girls (communitywise) were actually admitted ;
- (d) if no Muslim girls have been admitted, what are the reasons for their non-admission ;
- (e) whether it is a fact that in preference to the Hindu girl applicants six Muslim male students have been admitted ;
- (f) whether any instructions were issued by the Honourable Minister either before, at the time of, or after the admission on the above subject that instead of Hindu girls, Muslim boys may be admitted ;
- (g) why the full number of 15 female candidates has not been admitted as advertised in the prospectus, thereby causing great hardship to the various girl students coming from far off distances ;
- (h) what action Government proposes to take to remedy the injustice done to female candidates ?

The Honourable Malik Sir Firoz Khan Noon : (a) The prospectus states that out of 100 seats not more than 15 are reserved for women candidates.

(b) This year thirty girls in all applied for admission, of whom 24 were Hindus and 6 Sikhs.

(c) Seven Hindus and 3 Sikhs.

(d) No Muslim girl applied for admission this year.

(e) The girls take a share out of the number allotted to their respective communities so that no Muslim boy can be said to have been given preference over Hindu girls.

(f), (g) and (h) The admissions are regulated with a view to attaining the following communal distribution among the students :—

	Per cent.
Muslims	40
Sikhs	20
Others	40

In April 1984, before the last admissions were made, instructions had been issued that the number of women students of each community in the school should be counted against the number of students to which each community was entitled according to the above percentages. These instructions were interpreted by the authorities responsible for making the admissions to mean that if any community were unable to find its quota of female students the deficiency should be made up by male students of that community, the total number of female candidates being reduced accordingly. Further instructions have since been issued, making it clear that the failure of any community to fill its quota should not operate to reduce the total number of female candidates admitted. The latest instructions state that if in any year a sufficient number of qualified women candidates are not available from any community, the unfilled places may be allotted to women candidates of another community. In that case the number of male candidates belonging to the communities concerned will be correspondingly increased or decreased, the communal percentages fixed above (40 per cent., 20 per cent., 40 per cent.) being maintained over the total admissions for the year (male and female students taken together).

FEE CONCESSIONS TO SONS OF TEACHERS.

***3530. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education be pleased to state—

(a) whether any concession in school fees is allowed by the Government and Education Department to the sons of teachers drawing Rs. 50 or less as their pay ;

(b) if so, whether Government will allow this very concession to the sons of all those teachers whose income is less than Rs. 1,000 per annum ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to the reply given to starred Council question no. 8484¹ asked by Khawaja Muhammad Eusoof, M.L.C., in the last session of the Punjab Legislative Council.

ADMISSION OF PLUCKED MATRICULATION CANDIDATES INTO SCHOOLS.

***3531. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that several headmasters of several high schools on one pretext or another stand in the way of the admission of some of their boys plucked in the matriculation examination to their tenth classes and do not generally admit the plucked students of other schools to their such classes, if they happen to have failed in two or more subjects ;
- (b) if so, whether the Punjab Education Code confers upon headmasters these discretionary powers ;
- (c) if the Punjab Education Code is silent in this matter, whether the Honourable Minister will be pleased to have the powers of headmasters in the Code defined in the interest of plucked matriculation candidates and their unfortunate parents ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) No.

(c) The information available shows that as a rule the headmasters do not refuse readmission to students who are likely to benefit by re-admission.

COMMUNAL REPRESENTATION IN GOVERNMENT NORMAL SCHOOLS.

***3532. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that there is not a single Hindu or Sikh headmaster of any Government Normal School in the Punjab at present ;
- (b) whether it is a fact that the Inspector of these training schools is also a Muslim ;
- (c) when the last non-Muslim incumbents of these above posts were transferred ?

The Honourable Malik Sir Firoz Khan Noon : (a) There are only three normal schools in the province, and they happen to have at present Muslim headmasters. It will perhaps further interest the honourable member to know that normal schools are intended chiefly for the training of village school masters, and that therefore as far as possible they are given headmasters who, besides the necessary training experience and administrative ability, have pronounced rural sympathies and evinced an active interest in rural uplift. The choice of the Department seems to have fallen on men who are Muslims.

(b) Yes. It may, however, be added for the honourable member's information that the normal schools are administratively under the divisional inspectors and not under the Inspector of Training Institutions.

- (c) 1. Inspector of Training Institutions—April, 1931.
- 2. Headmaster, Normal School, Jullundur—March, 1934.
- 3. Headmaster, Normal School, Gakhar—February, 1934.
- 4. Headmaster, Normal School, Lala Musa—June, 1928.

SPECIAL FEE CONCESSIONS IN ANGLO-VERNACULAR CLASSES.

***3533. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education be pleased to state—

- (a) the number of tahsils in each division where students of statutory agricultural tribes enjoy special fee concession in anglo-vernacular schools ;
- (b) the number of students communitywise (Hindus, Sikhs and Muslims) enjoying, on 31st March 1984, the special fee concessions in anglo-vernacular classes of Punjab schools ;
- (c) if the number of the students belonging to the majority community of Muslims is larger than that of students belonging to the minority community of Sikhs and Hindus, whether he will be kind enough to extend the same concession to the students of Sikh and Hindu communities ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (c) Ambala division = 7.

(ii) Jullundur division = 5.

(iii) Lahore division = 2.

(iv) Multan division = 8.

(v) Rawalpindi division = 16.

All the children of statutory agriculturists in the areas mentioned in the Punjab Government (Ministry of Education) Memorandum no. 12095-B., dated the 12th July, 1930, who comply with the requisite conditions are given these concessions regardless of the community to which they belong.

(b) In view of the answer to (a) and (c) it is hoped that the honourable member will not press Government to enter into this lengthy and unnecessary correspondence.

ENGLISH OPTIONAL CLASSES IN DISTRICT BOARD MIDDLE SCHOOLS.

***3534. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education be pleased to state the names of district board middle schools where English optional classes have come to be abolished in each division within the last four years and the number of students affected thereby communitywise (Muslims and non-Muslims) who were studying English optionally in those district board vernacular schools ?

The Honourable Malik Sir Firoz Khan Noon : The optional English classes have been closed in no school with a view to harm the education of boys belonging to a particular community. The district boards have acted purely in the interests of economy. If the honourable member will very kindly let me know her object in asking this question I can perhaps give her the information she needs without having to make a province-wide enquiry.

LOSS OF FILES IN SADHORA MUNICIPAL COMMITTEE.

***3535. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that more than fifty files have been lost in the Sadhora Municipal Committee Office, if so, how long ago these files were lost ;
- (b) what steps have been taken by the Municipal Committee to trace these files ;
- (c) whether the matter was ever reported to the police ; if so, with what result ; if not, why not ;
- (d) whether it is a fact that these files related to matters in which several members of the said committee were interested ;
- (e) who was in charge of these files and what is his report about the loss ;
- (f) if no action has been taken so far, what action he proposes to take now ?

The Honourable Dr. Gokul Chand Narang : (a) and (b) At the end of 1931, when a clerk of the Committee went on leave, 53 files were found to be missing. All the missing files have since been found among the committee's miscellaneous records, with the exception of one which is still untraced.

(c) No. The Committee preferred to entrust the enquiry to certain of its own members.

(d) No.

(e) The mislaying of the 53 files appears to have been the result of negligent work by a clerk who has since retired.

(f) Government do not propose to take any action.

NOMINATION OF A LADY TO THE SADHORA MUNICIPAL COMMITTEE.

***3536. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) how many members are nominated by the Government to the Sadhora Municipal Committee ;
- (b) for how long no Hindu has been nominated ;
- (c) whether it is a fact that at the time of last nomination, the Hindus of Sadhora made a representation for nomination of a Hindu to that Municipality ;
- (d) if so, what action was taken by the Government on that representation ;
- (e) whether it is a fact that the nomination of a Muslim gives the Muhammadans over-representation ;
- (f) the total Muslim and non-Muslim population according to the Census of 1931 ;
- (g) whether he will take suitable steps to nominate a Hindu in view of the fact that the Muslims have enjoyed this over-representation for more than 6 years ;
- (h) if for any reason it be not possible to nominate a male Hindu, whether he will nominate a suitable female member ?

The Honourable Dr. Gokul Chand Narang : (a) Until recently there was one nominated seat only. An additional seat has lately been created.

(b) Prior to the 1928 general election the single nominated seat was occupied by an official ; after that by a Muslim. The two nominated seats are now occupied by a Hindu and a Muslim, respectively.

(c) Various representations were received after the general election held this year.

(d) The representations were taken into consideration in the creation of the new seat.

(e) With a Muslim in occupation of the single appointed seat, that community was over-represented.

(f) Muslims	..	..	..	..	4,433
Non-Muslims	..	..	..	..	3,336

(g) Action has already been taken, as described above.

(h) The Commissioner, with whom rest the appointments in this second class municipality, has already passed his orders. Government do not propose to interfere with his discretion in the matter.

***3537. Mian Nurullah :** Will the Honourable Minister for Education kindly state—

(a) how many cases of seduction of boys by teachers were reported during the last five years by the—

(i) primary schools maintained by district boards ;

(ii) primary schools maintained by municipal, town committees and notified areas ;

(iii) primary departments of secondary and high schools maintained by all local bodies ;

(iv) primary departments of all secondary and high schools maintained by private bodies, but recognised by the Education Department in the Punjab ;

(b) how many of the cases thus reported were dealt with departmentally and how many by the law courts and with what results ;

(c) how much time is generally taken in conducting departmental enquiry into such cases ;

(d) whether Government proposes to take any steps to expedite the departmental enquiry in view of the fact that a delayed action on the part of the authorities is liable to cause gross miscarriage of justice ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected and will be supplied to the honourable member when ready.

PROSCRIPTION OF THE "NAUJAWAN MAZDUR," AMRITSAR.

*3533. **Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (a) whether there is a weekly paper styled as *Naujawan Mazdur* issued from Amritsar ;
- (b) when it was first started and how many numbers of it in all have been issued during 1933 and 1934 ;
- (c) how many of these numbers have been proscribed during the above years ;
- (d) on what grounds these numbers have been proscribed ; whether they contained any incriminatory matter ;
- (e) whether any security has been ever demanded from this paper ; if so, when and of what amount ;
- (f) if not, why no security has been demanded from the paper so far, and if secured why it has not been forfeited ;
- (g) whether it is a fact that the above journal has been indulging in virulent campaign against certain states and certain individuals ;
- (h) why Government has taken no action against its editor and printer so far ;
- (i) how many papers and journals have been started by the editor and printer of the above journal during the last five years ;
- (j) whether Government is aware that the said editor after realizing a good deal of subscription from the public stopped the publication of these journals ;
- (k) whether Government has taken any action against the editor and printer of this journal so far, and, if so, with what result ;
- (l) if not, why not ?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) It was started in February, 1933. Ten issues appeared in 1933, and by September 3rd, eleven issues had appeared in 1934.

(c) Two in 1933 and four in 1934.

(d) Because they contained matter punishable under section 3 (1) of the Indian States (Protection against Disaffection) Act, 1922.

(e) No.

(f) As it did not offend against the relevant provisions of the Indian Press (Emergency Powers) Act, XXIII of 1931, as amended by the Criminal Law Amendment Act, XXIII of 1932.

(g) Yes.

(h) Prosecution under the Indian States (Protection against Disaffection) Act, against which the paper had offended, was not considered desirable.

(i) Five.

(j) No.

(k) In addition to the action mentioned in part (c), the proprietor-editor of the paper was warned by Government through the District Magistrate, Amritsar, in April 1933, for objectionable writings against Indian States.

(l) Does not arise.

TENURE OF OFFICE OF VICE-CHAIRMAN, LAHORE DISTRICT BOARD.

***3539. Chaudhri Allah Dad Khan :** With reference to the reply given to starred question No. 3539¹, will the Honourable Minister for Local Self-Government please state—

- (a) whether in any municipality or district board in the Punjab the tenure of office of the chairman, senior vice-chairman, or junior vice-chairman has ever been taken to have terminated with the termination of the financial year—
- (i) irrespective of the fact as to whether the tenure had begun with the beginning of the financial year, and
- (ii) whether or not the office had been held for full one year ;
- (b) whether since its constitution, Lahore District Board had ever before held election of its vice-chairmen before expiration of a full year with the object of terminating the tenure of office of the previous holders on account of the termination of the financial year ?

The Honourable Dr. Gokul Chand Narang : (a) No. The Lahore system is not, however, an unreasonable or indefensible one.

(b) Yes. Dates will be given in replying to the honourable member's question 3540 (starred).

ELECTIONS OF SENIOR AND JUNIOR VICE-CHAIRMAN, LAHORE DISTRICT BOARD.

***3540. Chaudhri Allah Dad Khan :** Will the Honourable Minister for Local Self-Government please state the dates on which elections of senior and junior vice-chairmen of the Lahore District Board were held :—

- (a) in the years 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933 ;
- (b) the date of the general election held in 1933 and the respective dates of two general elections preceding the general election of 1933 ?

The Honourable Dr. Gokul Chand Narang : (a)—

Year.	Date.		
1924	8th August 1924.
1925	9th June 1925.
1926	29th June 1926.
1927	17th May 1927.
1928	19th May 1928.
1929	23rd May 1929.
1930	21st May 1930.
1931	27th August 1931.
1932	11th May 1932.
1933	6th June 1933.

(b) Year.	General election dates.		
1933	13th—18th March 1933.
1930	24th February—1st March 1930.
1927	21st—23rd February 1927.

ELECTION OF SENIOR AND JUNIOR VICE-CHAIRMAN OF LAHORE DISTRICT BOARD.

***3541. Chaudhri Allah Dad Khan :** (i) Will the Honourable Minister for Local Self-Government please lay on the table—

(a) a copy of the Lahore District Board's rules under clause (h) of section 26 of the Punjab District Boards Act, 1883 and section 19 (2) referred to by him in his reply to part (i) of starred question No. 3389¹;

(b) the corresponding rule or bye-laws of the Lahore municipality and other municipalities which differ from the particular bye-law or rule of the Lahore municipality?

(ii) In reply to part (ii) of starred question No. 3389² the Honourable Minister for Local Self-Government had stated "In any case no petition was filed against the election," will he please state if it is not the duty of the Government *suo motu* to hold an election null and void, if on the face of it, it has contravened rules and bye-laws, which have the force of law?

The Honourable Dr. Gokul Chand Narang : (i) (a) and (b) Copies of the Lahore District Board's rule and of the Lahore Municipal Committee's rule are laid on the table.

(ii) The Local Government's powers in connection with elections are set out in part IV of the District Board Election Rules, 1933. The honourable member is invited to refer to rule 77 of those rules and also to section 50 of the Punjab District Boards Act, 1883. There is no ground for Government intervention in the particular case to which the question relates.

Rule No. 86 of the Lahore District Board Business Rules, regarding term of office of their Vice-Chairman :—

"A Vice-Chairman shall hold office for one year except when he fills a vacancy caused by death, resignation or removal, in which case he shall hold office only for the unexpired residue of the period of his predecessor....."

Rule No. 53 of the Lahore Municipal Committee's "Conduct of Business Rules," regarding the term of office of their Vice-Presidents :—

"The term for which a Vice-President shall hold office shall be one year, except in the case of an appointment made to fill a vacancy caused by death or resignation, in which case the appointment shall continue only for the remaining term of the member vacating....."

POWERS OF OFFICIAL CHAIRMEN OF DISTRICT BOARDS.

***3542. Chaudhri Allah Dad Khan :** Will the Honourable Minister for Local Self-Government please state if the official chairmen are empowered under any bye-law or rule or are possessed of any inherent powers to ignore or modify the rule which lays down that the senior and junior vice-chairmen shall hold office for one year?

The Honourable Dr. Gokul Chand Narang : No.

¹Pages 146-47 ante.

²Page 147 ante.

JUNIOR VICE-CHAIRMAN, LAHORE DISTRICT BOARD.

***3543. Chaudhri Allah Dad Khan :** Will the Honourable Minister for Local Self-Government please state if it is a fact that the previous junior vice-chairman of the Lahore District Board who has not been re-elected this year held office for about 10 months only and not for full one year as a result of the election having been accelerated by the chairman of the local district board ?

The Honourable Dr. Gokul Chand Narang : A reference is invited to the reply given in the last Council session to part (i) of the honourable member's starred question 3389.¹

MODIFICATIONS IN OCCUPIERS' RATE TO INUNDATION CANALS, DIPALPUR AND PAKPATTAN TAHSILS.

***3544. Chaudhri Allah Dad Khan :** With reference to the Press *communiqué* issued by the Punjab Government published on page 5, column 4 of the *Eastern Times* of Lahore, making modifications in the schedule of occupiers' rate on the Sutlej Valley Project Canals, will the Honourable Revenue Member please state—

- (a) whether the growing of areas of fodder is very large on the inundation canals in the Dipalpur and Pakpattan tahsils of the Montgomery district in particular, and generally on the rest of the inundation canals, just as on the Sutlej Valley Project canals ;
- (b) if the reply to the above is in the affirmative, whether Government intends to extend the modifications of occupiers' rate mentioned in the *communiqué* mentioned above to the inundation canals in (a) above ?

The Honourable Captain Sardar Sir Sikander Hyat Khan : (a) There are no inundation canals in the Pakpattan and Dipalpur tahsils of Montgomery district.

(b) The *abiana* rates on inundation canals are already lower than on Sutlej Valley Project non-perennial canals and there is no intention of raising inundation canal rates at present.

REMISSION OF FEES FOR TEACHERS' SONS.

***3545. Chaudhri Allah Dad Khan :** Will the Honourable Minister for Education please state—

- (a) the maximum salary of a teacher in a Government or aided schools, which makes his son eligible to remission of his school fees ;
- (b) whether he is aware that the limit at present mentioned in (a) deprives a large number of teachers' sons of the remission ;
- (c) whether he has seen articles in the *Milap*, page 17, of the 7th May, 1934, the *Partap*, page 17 of the 24th May, 1934, and the *Tribune* of 25th May, 1934, and 6th June, 1934, correspondence columns, demanding concessions of fees in the case of all teachers' sons, irrespective of their pay ;

¹Pages 146-47 ante.

[Chaudhri Allah Dad Khan.]

(d) if the reply to (b) and (c) are in the affirmative, whether Government intends to meet the demands in (b) in full, or at least raise the limit in (a) ?

The Honourable Malik Sir Firoz Khan Noon : (a) The concessions are given to the children of such teachers whose income does not exceed Rs. 50 per mensem.

(b) Yes.

(c) No. An article in the *Daily Herald*, dated the 7th June, 1934, on the subject, has however, come to the notice of the Department.

(d) The financial implications involved prevent Government from meeting the demands in (b) in full or raising the limit in (a).

DISMISSAL OF KISHAN LAL, NAIB SHARAF, SADAR HISSAR.

***3546. Lala Jyoti Prasad :** Will the Honourable Finance Member please state—

(a) whether it is a fact that Kishan Lal, Naib-Sharaf Sadar, Hissar, was dismissed on 18th April, 1932 ;

(b) whether it is a fact that he submitted a petition in Urdu, dated 22nd March, 1934, to the District and Sessions Judge, Hissar, and also a reminder to the same effect on 11th May, 1934, requesting for a search of certain papers the absence of which, on the file was responsible for his dismissal ;

(c) if so, whether he will lay copies of these on the table ;

(d) whether it is also a fact that this Kishan Lal sent a registered notice on 19th March, 1934, to the Collector, Hissar, to the same effect ;

(e) whether it is a fact that Kishan Lal has some 24 years' service at his back and was dismissed over two years ago ;

(f) what steps, if any, the officers concerned have taken in order to, have a search made of these papers ;

(g) if not, why not ?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) He submitted the petition and reminder but his dismissal was not due to the absence of any papers from the file but to a proved charge of corruption based on reliable and disinterested evidence, both oral and documentary.

(c) The only document required by Kishan Lal was an application submitted to the Senior Sub-Judge on the 10th June, 1931, which is alleged to contain a statement by one Ganpat Rai, bailiff, but the application in question is not traceable.

(d) Yes.

(e) His total service was 22 years 7 months and he was dismissed in April 1932.

(f) and (g) A thorough search was made by the Senior Sub-Judge, Hissar, but the required papers could not be traced.

COMMUNAL REPRESENTATION IN VERNACULAR SCHOOLS.

***3547. Lala Jyoti Prasad :** Will the Honourable Minister for Education be pleased to state—

- (a) the number of teachers communitywise (J. V. and S. V. separately) in the vernacular schools (primary, lower middle and middle) in the province ;
- (b) the number of students communitywise reading in them ;
- (c) the expenditure on the same from Government funds ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected and will be supplied to the honourable member when ready. But if the honourable member would tell me what his object is in asking this question perhaps I could give a reply now which would avoid this enquiry which is province wide.

HINDU STUDENTS IN NORMAL SCHOOLS.

***3548. Lala Jyoti Prasad :** Will the Honourable Minister for Education kindly state—

- (a) the number of students communitywise admitted in normal schools for boys ;
- (b) the number of students who applied for admission to the same ;
- (c) whether it is a fact that there is a paucity of Hindu vernacular trained teachers ;
- (d) whether Government intends to raise the percentage of Hindu students in the normal schools to 40 per cent. of those to be admitted in future ?

The Honourable Malik Sir Firoz Khan Noon : (a)—

<i>Hindus.</i>	<i>Muslims.</i>	<i>Sikhs.</i>	<i>Others.</i>	<i>Depressed Classes.</i>
90	228	27	11	8

(b) 2,059.

(c) No.

(d) No. It is, however, added for the honourable member's information that the vernacular teachers are chiefly meant for village schools, and therefore preference is given to the candidates belonging to the agriculturist classes. No percentages have been fixed for the various communities, though it is generally indicated that as far as possible candidates should be selected from the community which predominates in the areas for which additional teachers are needed.

HINDI AS MEDIUM OF INSTRUCTION IN NORMAL SCHOOLS.

***3549. Lala Jyoti Prasad :** Will the Honourable Minister for Education please state—

- (a) whether there is any Normal school for boys with Hindi as medium of instruction ;
- (b) whether it is a fact that there are certain schools with Hindi as medium of instruction and there is demand for vernacular teachers who can teach through the medium of Hindi ;

[Lala Jyoti Prasad.]

- (c) whether it is a fact that a Normal class with Hindi as medium of instruction was attached to D.-A. V. College, Jullundur, and attracted a large number of students ;
- (d) whether that class was closed down under orders from the Education Department ;
- (e) whether Government intends to open Normal schools with Hindi as medium of instruction in view of the demand for them ;
- (f) if not, whether Government will permit some private body to start such a class ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected and will be supplied to the honourable member when ready.

RECOGNITION OF SANATAN DHARM SCHOOL, GUJAR KHAN.

***3550. Lala Jyoti Prasad :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the Islamia High School, Kunjah, was recognised though the Inspector of Schools never recommended it ;
- (b) whether it is a fact that the Sanatan Dharam School, Gujar Khan, has not been given recognition though the Inspector of Schools recommended it ;
- (c) whether the remarks of the Inspector of Schools regarding these schools will be laid on the table ;
- (d) the reasons for ignoring the claims of Sanatan Dharam School, Gujar Khan ?

The Honourable Malik Sir Firoz Khan Noon : (a) This school replaced the District Board Anglo-Vernacular Middle School, Kunjah, and its application for recognition was supported by two Deputy Commissioners, Messrs. King and Deeks and forwarded by Inspector of Schools, Rai Sahib Lala Rattan Lal.

(b) Yes.

(c) The remarks of the Inspectors are confidential and it is not in the public interest that they should be disclosed.

(d) The necessity of the school was not established. There are already two high schools at Gujar Khan and the Hindus form only 3·5 per cent. of the total population of the tahsil.

PRIMARY LOWER MIDDLE AND UPPER MIDDLE VERNACULAR SCHOOLS IN THE PUNJAB.

[*3551. Lala Jyoti Prasad :** Will the Honourable Minister for Education please state—

- (a) the number of primary, lower middle and upper middle vernacular schools in each division on 31st March, 1934 ;
- (b) the amount of grants-in-aid paid to the local boards in each division for vernacular education ?

The Honourable Malik Sir Firoz Khan Noon : (a)—

	Primary (Vernacular).	Lower Middle (Vernacular).	Upper Middle (Vernacular).
Ambala ..	1,267	400	165
Jullundur ..	1,347	389	160
Lahore ..	1,654	509	166
Rawalpindi ..	1,368	446	215
Multan ..	1,628	604	199

(b) The amount of grants-in-aid sanctioned for local bodies in each division for vernacular education in 1933-34 was as below—

	Rs.
Ambala division	12,22,717
Jullundur division	14,80,109
Lahore division	17,60,527
Rawalpindi division	19,56,044
Multan division	16,51,622

The honourable member will perhaps be interested to know the figures of rural population in each division, which according to the last census are—

1. Ambala division	35,44,710
2. Jullundur division	41,33,851
3. Lahore division	46,87,962
4. Rawalpindi division	34,90,824
5. Multan division	46,56,041

It may further be added for the honourable member's information that the favourable position of the Rawalpindi division is due to the high grading of the district boards in the division. Thus Rawalpindi and Jhelum get cent. per cent. grant, Attock and Mianwali 90 per cent. and Gujrat and Shahpur 60 per cent. of their approved additional expenditure. These grades were fixed in 1918 and were determined by the following factors—

- (a) educational backwardness ;
- (b) financial resources of each district board ; and
- (c) the war services of the district.

This system of grants has been in force for the last fifteen years and its revision is now under consideration.

FISHERIES STAFF.

***3552. Lala Jyoti Prasad :** Will the Honourable Minister for Agriculture please state—

- (a) the number of employees in each cadre of the Fisheries staff and the expenditure on them ; also their academic qualifications ;
- (b) the total amount of revenue realised by the Fisheries staff and the amount by auctioning leases in each district ?

The Honourable Sardar Sir Jogendra Singh : (a)—

1. Fisheries Research Officer ..	M.Sc. (Zoology)	..	1
2. Inspector, Fisheries ..	Matriculate	..	1
3. Sub-Inspectors, Fisheries ..	6 Matriculates	..	8
	1 F.Sc., and	..	
	1 M.Sc. (Zoology)	..	
4. Deputy Sub-Inspectors, Fisheries.	1 Middle class	..	6
	2 Primary class	..	
	1 Anglo-Vernacular Middle	..	
	1 F.A.	..	
	1 B.Sc. (Agri.)	..	
5. Laboratory Assistant ..	F. A.	..	1
6. Supervisor ..	Matriculate	..	1
7. Peons .. ..	..	..	10
8. Watchers .. ..	..	..	9
9. Boatmen .. ..	..	..	2
10. Clerks .. ..	..	..	2

Rs.

Expenditure on the above in 1933-34	90,649
(b) Total amount realised as revenue	46,463

Amount by auctioning leases included in the above figures is as follows :—

				Rs.	A.	P.
Multan .. ..	..	..	..	2,596	0	0
Shahpur .. ..	..	..	..	1,800	0	0
Mianwali .. ..	..	..	..	3,529	0	0
Montgomery .. ..	..	..	..	4,119	0	0
Jhang .. ..	..	..	..	3,285	8	0
Lyallpur .. ..	..	..	..	930	0	0
Muzaffargarh .. ..	..	..	..	3,140	1	6
Sheikhupura .. ..	..	..	..	3,047	8	0
Total .. ..	..	..	..	21,287	1	6

RESEARCH OFFICER, FISHERIES DEPARTMENT.

***3553. Lala Jyoti Prasad :** Will the Honourable Minister for Agriculture kindly state—

- whether it is a fact that it is mainly for scientific purposes that the maintenance of trained out-door staff (Fisheries) is necessary ;
- the duties of Fisheries Research Officer and how many days he has to spend in each circle with a view to studying facts relating to fish culture ;

- (c) whether on the retirement of Mr. Donald, late Warden of Fisheries, Punjab, it was decided that the Fisheries Research Officer should also act as Warden of Fisheries ;
- (d) if so, whether these orders were upset later on and for what reasons ;
- (e) whether it is proposed to place the out-door Fisheries staff under Entomologist to Government, Punjab, under whom the Fisheries Research Officer is at present working ; if not, why not ?

The Honourable Sardar Sir Jogendra Singh : (a) and (b) The honourable member's attention is invited to the reply given to parts (b) and (c) of Council question No. 8499 (starred).¹

(c) and (d) The honourable member's attention is invited to the reply given to part (a) of Council question No. 8500 (starred).²

(e) No. It would be to the detriment of research work to burden the Entomologist to Government, Punjab, with administrative duties.

FISHERIES DEPARTMENT AND THE INSPECTOR OF FISHERIES.

***3554. Lala Jyoti Prasad :** Will the Honourable Minister for Agriculture please state—

- (a) whether the work of out-door Fisheries staff is scientific as well as administrative ;
- (b) if so, what technical qualifications in Zoology or fish culture the Inspector of Fisheries possesses ;
- (c) whether the Inspector of Fisheries is required to supervise the work of the out-door Fisheries staff throughout the province ;
- (d) whether it is a fact that during the year 1933-34 increments of about 65 per cent. of the out-door Fisheries staff were withheld on account of unsatisfactory work ?

The Honourable Sardar Sir Jogendra Singh : (a) The duties of the out-door Fisheries staff are mainly the local administration of the Fisheries Act.

(b) Does not arise.

(c) Yes.

(d) No. Increments of seven out of fourteen members of the out-door Fisheries staff were withheld during 1933-34.

REFERENCE TO LATE CHAUDHRI SHAH MUHAMMAD.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East, Rohtak, non-Muhammadan, Rural) : Sir, I believe that most of the members of this honourable House are aware that Chaudhri Shah Muhammad who represented the Sheikhpura district in this House passed away suddenly and prematurely about the middle of last month. He was a very sincere friend and a very earnest worker and what distinguished him most was that he was entirely free from the tinge of communalism which is such a characteristic and undesirable feature of the Punjab province. His career was full of

¹Page 263 ante.

²Page 264 ante.

✓ [R. B. Chaudhri Chhotu Ram.]

promise and full of hope, and it is a great pity and a matter for sincere regret for us all that his career should have been cut short so prematurely. I am sure I am giving expression to the unanimous wish of the House when I request you that a message of condolence on behalf of this House may be sent to the family of the deceased.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : I associate myself with all that has been said by my honourable friend on the other side and I support the proposal that a message of condolence and sympathy should be conveyed to the relations of the deceased member on behalf of this Council.

The Honourable Captain Sardar Sir Sikander Hyat Khan (Revenue Member) : On behalf of the official benches I fully associate myself with the remarks made by the two non-official members who have preceded me and as Leader of the House I am sure I am voicing the feelings of all here that our regret and sympathy should be conveyed to the members of the family of our late colleague.

Sardar Bahadur Sardar Buta Singh (Multan division and Sheikhpura, Sikh, Rural) : On behalf of the Sikh members of this House I wholeheartedly associate myself with each and every word which has fallen from the lips of those honourable members who have preceded me. I have the privilege of belonging to the same place to which the late Chaudhri Shah Muhammad belonged and we have worked together for full twenty years in the courts there ; and I can say with confidence that I have never come across a better man than the Chaudhri Sahib. I support the proposal made by Chaudhri Chhotu Ram.

Mr. President : I take it to be the wish of all honourable members that a message of condolence and sympathy be sent on behalf of this House to the members of the bereaved family. (*Voices of 'yes, yes'.*)

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

The Honourable Mr. D. J. Boyd (Finance Member) : Sir, I beg to present the report of the select committee on the Punjab Relief of Indebtedness Bill.

GOVERNMENT'S DEMANDS FOR SUPPLEMENTARY GRANTS, 1934-35.

The Honourable Mr. D. J. Boyd (Finance Member) : Sir, I have to announce that the demands printed on the order paper are being presented on the recommendation of His Excellency the Governor.

INDUSTRIES.

The Honourable Mr. D. J. Boyd : I beg to move—

That a supplementary sum not exceeding Rs. 34,540 be granted to the Punjab Government (Ministry of Local Self-Government) to defray the charges that will come in course of payment for the year ending the 31st of March, 1935, in respect of Industries.

The motion was carried.

MISCELLANEOUS (RESERVED).

The Honourable Mr. D. J. Boyd : I beg to move—

That a supplementary sum not exceeding Rs. 42,400 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March, 1935, in respect of Miscellaneous (Reserved).

Mr. President : Motion moved—

That a supplementary sum not exceeding Rs. 42,400 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March, 1935, in respect of Miscellaneous (Reserved).

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural) : Sir, I rise to oppose the grant under consideration. This grant consists of two main items. The first relates to the Wild Animals and Wild Birds Protection Act and the second to the Commissioner of Rural Reconstruction. I will take the first item first. The Wild Animals and Wild Birds Protection Act was passed by this Council more than a year ago. When this measure was under consideration it was given out that the rules framed under the Act would be so lenient that there would be no objection to them, whereas the rules which have been now issued by the Punjab Government are so hard and stringent and so exacting that there will be no room for *shikar* in the future. No one, I dare say, who has any respect for law will care to take a gun for shooting. If he wants to defy the law, that is another matter. But if he is a conscientious man and wants to respect law, he will never go out for shooting. I may assure the House that I am not making these serious remarks without full facts before me. I shall refer to the rules themselves. These rules are published in the *Punjab Government Gazette*, Part I, page 942, dated 7th September, 1934. The last sentence of rule 6 reads—

Such licence shall not exempt the holder thereof from any liability under the Forest Act or any other law for anything done in contravention of such Act or law or for any damage done by him or his retainers or followers.

The next rule reads—

The following animals may be killed or captured by a holder of a licence described in column 7 to the extent permitted in column 5, provided that the length of horn of each kind shall not be under that mentioned in column 6 for each species.

Any one who carefully reads this rule and the schedule attached to it must realise how impossible it is to have *shikar*. The first item in the schedule is black buck whose minimum length of horn should be 20 inches. How is it possible for a person shooting from a distance of 200 or 300 or 400 yards to measure exactly the length of horn of the buck? The animal is not a fool to remain standing till the *shikari* measures the length of the horn before shooting it. (*Laughter.*) How is it possible for a person to measure the length of horns of these animals while they are running? I anticipated that the Punjab Government would make the rules in such a way that it would be absolutely impossible to shoot a game. I, therefore, raised objection to the Act even while it was under the consideration of the select committee and again of this Council. But at that time it was given out that the rules would be very lenient. Now, coming to the next animal, ravine deer, it has been prescribed that the minimum length of the horn of this animal should be 10 inches. No one will shoot the animal at a distance of less

[Chaudhri Allah Dad Khan.]

than 20 yards, and it is not possible for him to judge the length of the horn of this animal for that distance ; and if he happens to shoot the animal and it happens to possess horn less than 10 inches he is liable to prosecution. If this is the way in which the Government proposes to work the Wild Animals and Wild Birds Protection Act, they may as well prohibit all games in future. That will be more correct than to prohibit all games by such indirect means, by such stringent and impossible rules. There is another animal, the goral whose minimum length of horns should be 42 inches. Surely it is impossible to measure the length of horn of these animals. Next is the barking deer the minimum length of whose horns should be 28 inches including pedicel. Then there is another, caprasiberica—30 inches. *Pantholops hodgsoni*, 22 inches. *Ovis hodgsoni*, 42 inches and so on. Even at the distance from here to the Honourable President it is difficult to measure 42 inches. Nobody can have an idea of what a measurement of 42 inches is. A villager living in the village cannot measure this distance. Do you imagine that all people are astronomers and use all sorts of delicate instruments? Where are now the honourable members who voted for this Act? Let them see how their kindness has been availed of by the Government, how their kindness has been exploited by the Government. In one district alone, i.e., Multan, I hear 1,400 licences are necessary and at the rate of Rs. 8 per licence this brings in more than Rs. 10,000. At the time when the Act was under consideration, the Honourable Revenue Member gave us the assurance that it was not intended to make money by means of this Act. But now they are trying to make as much money as possible. At that time the idea was that the licence fee should be a rupee or two. But now it is as much as Rs. 20 in some cases. In the case of the Kangra district it is still more. If these facts had been given out at the time when the Bill was being passed by this Council, I am sure none of us would have supported such a measure. As if these stringent rules were not sufficient, there is another provision at the end of the rules, "provided that no deer with horns in velvet may be killed or captured." If the Punjab Government cannot keep that assurance which it gave us at the time when this measure was before the Council, it behoves us now as the representatives of the rural and urban classes, not to grant this money at all and thus make these rules a dead letter, so that they can make more practical rules in the future. Sometimes it is even difficult to distinguish a male from a female animal. There are some males which have small horns and which cannot be seen from a distance. Again even in the case of small animals the licence fee is as much as Rs. 5. Now in these days of financial stringency when people are hard pressed for money, do you think that it is easy for the people to pay this amount. When the fee for the renewal of the gun licence is only Rs. 2½, why does the Government fix this licence fee at Rs. 5 and 8? It will be very hard on the people. In the first place Government has no right to levy any fee because the land belongs to the landlord. But when we have given them this power, they should not say to the landlord that he should not shoot unless he pays the Government Rs. 8 and 10. The fee is very high. I say generally people will not be able to possess a licence paying such a high fee. That being so, what is the use of enacting a measure, the provisions of which are too difficult to be followed?

Now I come to the other part of the demand, namely the Commissioner for Rural Reconstruction. Last time when the Relief of Indebtedness Bill was being discussed, some of my friends took exception to the creation of this department by the Government in these days of financial stringency. I said that if this department were worked with the minimum cost, it would be very good. But since then many things have been done which are not proper. For instance, lately it has been proclaimed from all possible places that all zamindars should possess mosquito nets of the value of Rs. 1-8 each. It has been said that there are agencies in the districts which supply these nets. Now the average family of a zamindar consists of 7 members and if all of them are to be provided with one net each, taking the cost of bamboo and the rope also into consideration, it means Rs. 2 each net or Rs. 14 for the family of the zamindar. Now the population of the Punjab is 2,50,00,000 and that means the total cost will come to 5 crores, land revenue itself being about 4½ crores. Will the zamindar be able to pay another sum equivalent to the land revenue itself? Do honourable members know with what difficulty the land revenue is realised? It is in some cases in arrears for two years. It may be said that there is no compulsion and that zamindars are only being persuaded and are only advised. But then, why have official agencies for their sale? Why are tahsildars asked to make this persuasive propaganda in the villages? The Deputy Commissioner has no other business now except the preaching of the gospel of mosquito net. I know in the Gurgaon district a certain European gentleman, a deputy commissioner, under whom I had the fortune or misfortune of serving, was doing propaganda for Raja plough, so much so for some time we tahsildars were doing no other work than selling this Raja plough. Of course we were told that we should not press them. But it is well-known what persuasive propaganda by Government officials is. There is no other agency in the world which can do this sort of propaganda better than the Government agency. If all deputy commissioners are to persuade people in the villages to provide themselves with mosquito nets, it is as good as to compel them to purchase. But then, how will the zamindar be able to use the mosquito net? Is it imagined that they sleep all the night in their houses? They go out at dead of night to watch their fields and to drive away jackals and foxes. Is it contemplated that they should have mosquito net around them when they are ploughing the fields? In any case why should agencies be appointed in the districts? Government is not a company that it should provide all things purchased by the people. Let the people themselves buy their requirements where they like. I should think that a zamindar can make similar nets for ten or eleven annas, by putting a piece of khaddar at the top and by stitching a few yards of *jalli* cloth. I think that will be a better net. There was a zamindar with whom a deputy commissioner was discussing the question of these nets. The zamindar said that he would like to fare better than sleep under these nets. These nets will make him uneasy, and a prisoner in his own bed. This answer generally will be given by all the rural people. They cannot find so much money as to provide themselves with mosquito nets for each member of their family. Alone he cannot sleep under these nets leaving all his children out. Moreover if he were to provide nets for everybody he will not be able to use it. The best course would be to give instructions to villagers and leave the question of

[Chaudhri Allah Dad Khan.]

providing them with nets to themselves. But I think now the evil has gone far and all the deputy commissioners are persuasively lecturing to the people whom they meet and are talking to them. And I know what these lectures and talks mean. When I was persuading people in old days to buy Raja ploughs in the Gurgaon district, I knew what that meant. People had to purchase them, but I was not to blame. I had to do this. The gentleman who is in charge of the Rural Reconstruction Department does not profit in any way from the lessons taught to him in the Gurgaon district. When we were making propaganda for the purchase of the Raja plough there were anonymous letters to the Government alleging that commission was being taken by officers on the sale of these ploughs. One zamindar told me that he had purchased the Raja plough directly for Rs. 38 whereas it was being sold under official agency for Rs. 60. I think this should provide us with an object lesson against pressing people to indulge in this sort of luxury. A zamindar never dies of mosquito bite. He will die, if at all, of bankruptcy or starvation and want of money and penury but he will not die of want of mosquito nets. They can ward off many things. Unless therefore it is promised that a circular letter will be issued at once to all deputy commissioners to stop this agency in the Punjab, no sum should be voted for it. Not with as much force, but I think with a little modification, these remarks can be applied to the sale of quinine. I admit that quinine is a very good thing, but let the zamindar purchase it from any shop he likes, if he finds it cheaper anywhere else. What I object is to these agencies being run to make money out of the people's resources, and making the Government *badnam*. They make money and the people do not know whether they are to blame or the Government is to blame. I admit that it is a good department and does valuable work, but I do not want that it should be worked in such a reckless manner as to compel the zamindars to make these agency-wallahs rich at their own expense at this time of starvation and financial stringency. With these few words I oppose the entire demand under consideration.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Muhammadan, Rural) (*Urdu*): Sir, it has pained me to hear what the honourable member for Ambala has said in his speech on the demand under consideration. This idea has haunted me for a long time past that the masses in general require the services of a body of enthusiastic men to awaken them to the sense of helping themselves by way of living according to the principles of sanitation and taking care of their health and the health of their children. I readily acknowledge that they very much lack this sense at present. It will not be denied that unless the people in general are taught and at the same time begin to bring up their children properly, we cannot expect the future generation to fill the places that will be vacated by their elders in a fitting manner. It is, therefore, necessary that we should welcome any step in this direction, no matter if that step is taken by the Government of the country. There have been in existence and even now there are in existence political bodies and movements, but as I have already said, no movement has so far been started to teach the people, in the countryside in particular, as to how they can improve their lot without spending anything for the purpose. And if now after a very long time the Government has taken a step in the right direction,

it does not behove us to discourage it on the ground that some mistakes have been committed in the beginning. I need hardly say that such mistakes must necessarily be committed in the beginning of every scheme of reform and construction and if we find that some such mistakes have been committed in this scheme of rural reconstruction, we should ignore them knowing that the principles underlying the scheme are commendable.

It is now admitted both by the officials and non-officials that the spirit with which Mr. Brayne has started the work entrusted to him is simply praiseworthy and that if this work is continued to be done in the same spirit for some time to come, it will help to remove many ills from which the masses are now suffering (*hear, hear*). Under the circumstances to pick out mosquito nets, one of the items of the programme before the Commissioner of the Rural Reconstruction, and to attack him or the Government on that score appears to me to be a most unreasonable attitude. I am aware that persuasion in many cases by the Government officials assumes the form of force, but if such cases are frequent and come to our notice we can take steps to put a check to them. I already fear that this department may be abolished as according to the present sanction it is to last up to 28th February 1935. My fear is confirmed when I find in the explanatory memorandum that it is intended to make this department self-supporting in which case it will be necessary to disband the already insufficient staff working at present. While on this point I may be permitted to say that very little interest is being taken by the Government in making this department as useful as it ought to be and this is evident from the fact that although Mr. Brayne has remained away from duty for about four months no substitute has been engaged in his place to look after the activities of the department. Not even that. His assistant who was allowed to go back to his original post has not so far been replaced by any other suitable officer. This is certainly an attitude which cannot but arouse suspicion about the intention of the Government with regard to this department. I would very much like to know what the Government has to say to clear this misunderstanding if it is at all a misunderstanding.

The honourable members of the House who attended the last Budget Session of the Council will remember that a large number of young men were seen sitting outside the room of Mr. Brayne in the hope of getting employment in this department. Many of them were then advised to do honorary work for some time to popularise the department and they were held out this promise and that if they were found suitable, they would be permanently taken in the department. It is now 8 or 9 months since these young men have been working and waiting to be absorbed by the department. But from what one sees at a cursory glance of the department it appears that disappointment awaits these young men. I wonder why the Government does not make its position clear in this matter. I know that in these days of financial stringency it is very difficult to spare any money for the creation of a new department. But I realise that I shall be guilty of moral weakness if on that ground I should withhold my support when I know that this department is sure to prove more useful than all other departments now in existence. There is another point worth considering in this connection. If one were to study carefully the programme of the Rural Reconstruction Scheme, one will find that there are many items in it which do not require a

[Chaudhri Afzal Haq.]

penny to be spent upon them. For example, it requires no money to go and ask and persuade the villagers to store heaps of dung-hills at places far away from the villages instead of storing them, as they do at present, just behind the walls of the villages. Further it does not require much effort or pain or money to make the villagers aware of the disadvantages of sleeping in the same room in which the cattle are kept. I may mention that the Government of the United Provinces has made up its mind to spend lakhs of rupees to extend the activities of a similar department there to every nook and corner of that province. This also encourages me to give my whole-hearted support to the creation of this Rural Reconstruction Department on a permanent basis. Although the Department of Agriculture exists, so long as there is nobody to go into the villages and tell people how they can ameliorate their condition by sowing good seed and by manuring their fields with the cow dung which is usually left in the village streets to stink and stagnate, there is no hope of bettering the condition of the villagers. The rural population is illiterate and does not know how to do the uplift work, and there is no one who is interested in their welfare. When the Government undertook to perform the work of rural reconstruction and with this purpose brought into existence a separate department, the members began to ridicule this department by criticising and laughing at their methods. I think the amelioration of the condition of the villagers is possible only by maintaining the Rural Reconstruction Department. As long as the villagers are not taught all these things, which this department has undertaken to teach them, their condition cannot be bettered. It is quite possible that Mr. Brayne might have committed some mistakes but I may tell the honourable members that every reformer who undertakes to carry out some reform work is sure to commit some mistakes. These mistakes are due to over-zeal and over enthusiasm, and can be easily ignored. His importance lies in the work of reform which he tries to effect. He is respected for the honesty of his purpose and the sincerity with which he undertakes the work of reform. The Rural Reconstruction Department was created by the Government about eight months ago and within 3 or 4 months of its coming into existence it did such good work which no other department ever did. But it is very unfortunate that this department is being closed down by the Government without taking into consideration its importance and its necessity for the rural population. I hope the Honourable Finance Member will agree with me, when I say that, in the absence of the Head of the Department nothing much can be expected from a few clerks and assistants. Mr. Brayne is on leave and in his absence we cannot expect that any work of rural uplift is possible by the office clerks, etc. The Government is closing down this department and then after some time it will say that a department for rural reconstruction work was started but the Indian people are hopeless, they did not co-operate and so the department had to be closed down. In all the countries of the world there are only two methods for effecting reforms. One of them is dictatorship. The word of the dictator is law and it has to be obeyed. The other is that the governments start propaganda or canvassing work and make the people realise their own benefit. Here in our country the authority of the dictator is there but the spirit of the dictator is nowhere. Every tahsildar is a dictator and he sees that the law is obeyed but that spirit of reform which distinguishes a dictator from an autocrat is

missing. This department which was started under Mr. Brayne was a ray of hope and we expected that something more would be done as soon as the department became stable. But the Government and not the honourable members, is unwilling to allow this department to continue. When the honourable members of the Council were invited by Mr. Brayne to explain the working of this department, they assured him that they would support him in his undertaking and would do everything to encourage his department. Now the honourable members have done their duty. Let the Government end this department or mend it; the responsibility is theirs. If the note put up by the Government really represents some truth then let the Government pay money for the upkeep of this department and if there is no truth in their note then let them close down this department. But as it is the claim of the Government that this note represents a reality and as I also think it does, I say that it is but fair that this department should be maintained.

Khan Bahadur Nawab Chaudhri Fazl Ali (Gujrat East, Muhammadan, Rural) (*Urdu*): Sir, when Chaudhri Allah Dad

3 P.M.

Khan began his speech, I thought that he was going to say something in favour of this department in some indirect and subtle way, but after hearing him for some time I was disappointed to find that he was actually criticising the work of rural reconstruction. He ridiculed the methods adopted by this department to ameliorate the condition of the peasants. He showed deplorable lack of knowledge regarding matters which even an illiterate man is likely to know. Health and hygienic conditions are as necessary for the rural public as they are for the urban population. No other department can be as beneficent for the rural population as the Rural Reconstruction Department. We are thankful to the Government for starting this department and we are also obliged to Mr. Brayne for the excellent work which he did in connection with this department. Do the honourable members think that the zamindars are a proof against mosquito bites? Do they think that they are not liable to fall ill on account of malaria? Zamindars are human beings like ourselves. If mosquito nets are required by us they also require them. It is deplorable on our part not to do anything for the welfare of the zamindars who day and night labour to supply the whole country with foodstuffs. We should be thankful to the zamindars for what they do for us. They work for us in every season and in every place. We should try to compensate them for their services, instead of ignoring them. I wonder why the honourable member has said things which are not in the interest of the zamindars. The honourable member, if he was bent upon opposing this demand, could have opposed it by criticising some other aspect of it. Why did he indulge in crying down the department which is so necessary for the welfare of the zamindars? We are thankful not only to the Government and Mr. Brayne that they have done so much for the zamindars but we are also thankful to the deputy commissioners of various districts who not minding their own discomfort go out into the villages to do rural uplift work. The deputy commissioners have been going out into the villages in order to do propaganda work and to make the people realise the importance of self-help. Since the work of rural reconstruction has been started many societies of rural reconstruction have come into existence and they are doing good work. We are thankful to the Government and to our present deputy commissioners who are taking so much in-

[K. B. Nawab Chaudhri Fazal Ali.]

terest in our welfare. I am surprised to hear from Chaudhri Sahib that the deputy commissioners and other Government officers use force in these matters. May be that it has some foundation and truth so far as his own district is concerned. But the case is reverse in our district because I know it for a fact that our deputy commissioner and other Government officers in utter disregard of their personal discomfort and inconvenience in traversing bad and uneven roads go to villages situated at great distance from the headquarters and do propaganda work and make the people understand the importance of rural reconstruction. As a result of the efforts in this behalf 200 societies have come into existence in the Gujrat district in order to carry on the work of rural reconstruction. They are doing very good work. Consequently the people have no complaint against the Government officers and the deputy commissioner of our district. Rather they appreciate and are thankful to them for the work they do for them.

I may also mention that the Raja *kal* is a very useful instrument for ploughing land. The Hindustan and Meston ploughs are also very useful. The furrows made by these ploughs are deep. Let the honourable member know that deeper the furrows are made in the fields, better the crop that grows in them. The honourable member said that the department was brought into existence only to teach the people that they should use mosquito nets. The honourable member perhaps does not know that the department also instructs people as regards manure, better and modern methods of agriculture, and principles of hygiene. Knowledge of these things is necessary for ameliorating their financial as well as their physical condition. If the zamindars do not waste their manure but use it in their fields that would help them so far as the growth of better crops is concerned. If they observe the rules of health they will not fall sick and thus by remaining healthy their work will not suffer. If they know the modern methods of agriculture, they will grow better crops in their fields and this will bring them more money. I had no intention to speak but after hearing the honourable Chaudhri Sahib I was constrained to make these remarks so that the deputy commissioners and the department concerned may not be led to think that their work has been criticised. We are thankful to all these officers and especially to the deputy commissioner of our own district, who have helped in the work of rural uplift. I request the Government that if once they have started a good work then let that work continue. The zamindars really require the help of such a department. I request the Government that it should anyhow manage to bear the expenses of this department and should not abolish it. In the end I thank those honourable members who approached His Excellency to request him to start this department. I am also thankful to His Excellency who very kindly acceded to the request of those honourable members. Now if the Government will very kindly allow this department to continue and also to encourage it to do the work of rural uplift on an extensive scale and provide more money than is provided for it at present, we will feel deeply obliged and grateful.

The Honourable Captain Sardar Sir Sikander Hyat Khan (Revenue Member): Sir, I will be very brief in what I have to say. In the first place, I have to reply to the objections raised by the honourable member

from Ambala with regard to the rules framed under the Wild Animals Protection Act. As the title of that Act indicates that Act has been enacted with a view to protect wild animals and wild birds, and the rules which he considers to be stringent were made stringent in order to achieve this object. He tried to ridicule some of the provisions in those rules by referring to the length of horns of certain animals. He is probably not aware that all these restrictions existed even before this Act came into force. In the districts where big game is to be found, rules under the forest law contained all these restrictions which have now been incorporated in the rules framed under this Act. The honourable member can take it from me, and I know it for a fact that in my own district such restrictions existed in the case of Urial, the main object being to ensure that animals which are immature are not shot. He said that it would be difficult to discriminate in practice between a buck having horns more than 32" or less than 32"! I admit that a non-*shikari* like the honourable member would find it difficult to distinguish between a male or a female but no *shikari* worth the name can make such a mistake. It is easy for a *shikari* to distinguish between a male and female or between a mature and immature animal. There has been no difficulty on that account in the past. As I have said all those restrictions were in force even before the present Act was framed. (*An honourable member*: What about the beginners?) A beginner would not start shooting a Sambhar, he would start with *ghugis*. As I have repeatedly impressed on the House the main object of the Act and the rules framed thereunder is to dissuade people from exterminating wild game in this province. (*An honourable member*: But these rules are not put in force.) They will be enforced if people try to ignore them; but, as I have said, we have had no difficulty in working the rules under the Forest Act which contained all those provisions to which the honourable member from Ambala seems to take objection.

The honourable member is aware that these rules were published in the Gazette. We gave considerable time and opportunity to those interested to send in objections and criticisms and suggestions. He would, perhaps, be surprised to learn that very few objections were received, and these were given very careful consideration. This is ample testimony of the thoroughness and care with which these rules were framed. I know it from my personal experience and knowledge that these rules have given a great deal of trouble and work to my colleague, the Home Secretary, who was continuously working at them for several months before they could be finally published. When I was in Europe a few months back I found that the zamindars there were making considerable income from their game preserves. I do not see why the zamindars in this province should not benefit likewise and add to their income by turning their waste lands and *rakhs* in their villages into game preserves, and letting them for shooting to those who want to enjoy sport. In England they make a fairly big income out of it. They charge for each gun a substantial sum for a fixed period.

The honourable member also said that fees fixed under these rules were heavy. He is probably not aware that in the adjoining Indian State of Kashmir much heavier fees are charged. For instance, it probably costs Rs. 20 or more to get a licence to shoot one Sambhar. But here in fixing the scale of fees we had to keep in view the point of view put forward by the honourable member and of those who think like him that the fees should

[The Hon. Capt. Sardar Sir Sikander Hyat Khan.]

not be prohibitive. We have tried to keep them as low as possible without frustrating the real object of the Act, viz., protection of wild birds and animals.

So far as the different items in this demand are concerned, it will be noticed that the actual amount which is to be spent upon the administration of the Act is only a little over Rs. 3,000. The remaining Rs. 30,000 would go to the non-official fauna committees which are to be formed in every district to assist and help in preserving game. The income calculated is about Rs. 75,000 in the first year and a lakh in the next year. This is a very conservative estimate. I believe that before long the income will be much larger. There are about 36,000 gun licences in the province; and even if 30,000 of these licensees were to take out sporting licences we ought to be able to get $1\frac{1}{2}$ lakhs of rupees in fees. This does not include licences for big game for which we have fixed a fee of Rs. 8. That should bring in a small additional income. The honourable member was right when he said that an undertaking was given that Government would spend this money in the interests of the preservation of game and distribute a portion of the income to various districts for the same object. We are doing that by encouraging the formation of local fauna committees and a sum of Rs. 30,000 is being provided for the purpose. I hope I have made it clear that the objections raised by the honourable member are groundless and do not deserve any serious consideration.

With regard to the rural uplift work my task has been made easier by the honourable member from Hoshiarpur and the honourable member from Gujrat who have fully answered the criticism and objections of the honourable member from Ambala. But there is one point which I should like to make quite clear to the House. There seems to be some misapprehension about Mr. Brayne's position. Mr. Brayne is not the head of any separate department. His work mainly lies in co-ordinating the activities of the various beneficent departments of Government and of popularising them. That is the main purpose for which he has been appointed. The work which can come under the category of rural uplift is included in one or the other of the departments of Government. Mr. Brayne has been appointed to intensify and co-ordinate that work, and to encourage and persuade people to co-operate with the various departments in bringing about reform in rural areas. I hope honourable members will not remain under any misapprehension that by appointing Mr. Brayne we have created a new and separate department. It is merely, as I have said, to intensify, co-ordinate and popularise the work of the various beneficent departments that this post has been created temporarily for the present.

As regards mosquito nets, the honourable members from Hoshiarpur and Gujrat have fully met the criticism and objections of the honourable member for Ambala; but I can also assure him that no compulsion is being used in the matter of purchase of these nets, and I can give him the further assurance that if any instance of compulsion is brought to our notice we would be glad to take action with a view to stop it. The honourable member will, I am sure, not deny that mosquito nets are useful. Nor can he deny the enormous loss to the zamindar and the province through malaria. The

amount of money which the zamindar loses by reason of his being incapacitated during the malaria season if calculated would be found to run into many millions. As the honourable member for Hoshiarpur said it is the duty of the State and of every public spirited citizen to try and better the conditions of the people in the villages. It is equally our duty to raise the standard of living of people. This can only be done by raising the income of the people. As the honourable member for Gujrat pointed out one of the important functions of the Commissioner of Rural Reconstruction is to encourage the zamindars to use better seed and better methods of cultivation. If the zamindar earns more his standard of living will automatically go up.

The honourable member for Hoshiarpur mentioned that since Mr. Brayne had been on leave the work of the department—which he described as a separate department—was at a standstill. As I have explained, Mr. Brayne has no separate department, his work is to co-ordinate the work of the existing departments of Government. During his absence on leave the work has not been at a standstill. His office has been dealing with the correspondence and keeping in touch with the district authorities.

Chaudhri Afzal Haq : With your permission, Sir, I would like to know how many letters were issued by the department to the deputy commissioners and how many of those letters have not been replied to. The deputy commissioners after Mr. Brayne's leave have been taking absolutely no notice of what is being written to them by the department.

The Honourable Captain Sardar Sir Sikander Hyat Khan : I am afraid I cannot give an answer to that question off hand, but I am satisfied that Mr. Brayne is not an officer who would allow the deputy commissioners to sleep over, at any rate for long, over his letters. I do not think that the work has suffered any set back by his absence, because very little touring can be done in the summer months, and Mr. Brayne will be back in time to take up the threads where he left them. Any way I can assure the honourable members that Government gave careful consideration to the question of the extension of Mr. Brayne's term of office, and since it was also the wish of the rural members of the Council that it should continue it has been decided to extend it. If at the end of the present term Government is satisfied that Mr. Brayne's efforts are proving useful and successful in rousing the villager from his apathy the question of further extension will undoubtedly receive sympathetic consideration. I am sure that what I have said will satisfy the honourable members here that both items included in this demand are essential in the interests of the zamindars.

Chaudhri Afzal Haq : May I put a question to the Honourable Revenue Member ? I want to know whether the Government is satisfied with the working of the Commissioner of Rural Reconstruction or not and whether it requires more time to feel convinced of the usefulness of the work of the Commissioner. If it is satisfied with the success of the experiment, where is the need for again considering the question after the 28th February 1935 ? Why should not the Government assure us that this department will continue ?

The Honourable Captain Sardar Sir Sikander Hyat Khan : I fear I have not made myself clear. What I said was that if the honourable

[The Hon. Capt. Sardar Sir Sikander Hyat Khan.]

members feel that during this period the work of the department has been useful and that the experiment has been a success—of course there are objections and criticisms of the work done by the department—if, on the whole, honourable members are satisfied that the department is doing useful work, they may press the Government to extend the period of experiment and I am sure Government will very sympathetically consider it.

Shaikh Muhammad Sadiq (Amritsar city, Muhammadan, Urban) : There is no doubt that this rural uplift is a very important subject. It is even more important than law and order about which the Government is very particular. The one objection against the scheme of rural uplift that is being raised now is that it is not doing as much useful work as it ought to. Look at the propaganda that was being carried on by the British Government during the War. Everybody in this province was made to believe that Germany was in the wrong, that the Germans were liars and that they were cruel. Look at the propaganda that is being carried on by Hitler in Germany. He is trying to convince the Germans that the republican system of Government was wrong; he is instilling into the minds of the people that democracy is wrong and that only one man can do the right and that all those who are against him are idiots. Look at Mussolini. He is doing the same. He is making the people believe that none but Mussolini can do the right thing. This is the way in which propaganda is being carried on in Europe. On the other hand in the matter of this rural uplift movement the Government is doing propaganda in a half-hearted manner. I wish the Government spent more money on it than it has been doing. There is no one in this House except Chaudhri Allah Dad Khan who will grudge more money for this cause. The deputy commissioners who are paid from the public revenues ought to be made to work for this movement. They should be told that their work does not consist simply in arresting and imprisoning the people but also in uplifting the country by helping the people.

There is no doubt that the present heavy expenditure of the rural uplift department is due to the fact that it is too heavy. Mr. Brayne is an enthusiastic worker in the cause of rural uplift. He is a very sincere person. But what about his salary. He draws Rs. 4,000 a month. (*An Honourable Member* : Rs. 3,250). Yes, but with overseas allowance and other allowances, the total comes to Rs. 4,000. I do not mean to grudge him that salary. Look at the five officers' grades. We find that their combined pay is less than one fourth of the pay of the special Commissioner. What do these people do? They type notes and send them to the district officers who in their turn simply throw them in the waste paper baskets. It is suggested that this work of rural uplift should be taken up by non-official agency independent of deputy commissioners. We are told that the deputy commissioners have to do things beginning from the birth of a person to his burial and this work of rural uplift will be an extra burden to him. No doubt this is true, but we want the co-operation of officials and non-officials in this case. It is rumoured that the Government wanted to shunt out Mr. Brayne, and so they have appointed him for this job. I do not mean to cast any reflection on that officer. On the other hand I have great respect and ad-

imitation for him. But, if the Government is really sincere about the rural uplift movement, let it provide adequate funds for the purpose. In each district let there be a board of four representatives and let ten lakhs of rupees be allotted for the whole scheme. We are not having Alladin's *chiragh* with which we can achieve our purpose with the aid of *gins* and *devs*. If we are to achieve real success we must be prepared to spend money. If the Government is not prepared to spend at least two or three lakhs on honest propaganda it is no use spending any money at all and all this expenditure is a waste. It would be a pity if we allow the whole scheme to languish for lack of funds. I did not want to inflict a speech on this subject, but I thought that this aspect of the matter was ignored and that is why I have got up to speak. If the Government is really sincere about the scheme let it provide more funds for the purpose. We are ready to accord sanction to the demand for additional funds. If more money is not forthcoming we are prepared to pay additional taxation; or the Government can cut short its expenditure in some other direction. It is only by this means that we and the Government can work hand in hand for the rural reconstruction. We want the health of our people to be looked after, we want to stop waste of money, we want to instil frugal habits, and for this purpose unless we employ paid people for propaganda who can carry on the work actively, it is no use to spend the present amount of money. I will certainly oppose the expenditure at the next session, unless I find that the Government is ready to allot more money for actively carrying on the propaganda.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural) : Sir, I was really surprised to find my friend Chaudhri Allah Dad Khan who is an ardent supporter of the zamindars taking objection to a scheme designed to help the zamindars. I have never heard him make a speech in which he has not shown his solicitude and sympathy for the zamindar cause. But when the real question of the uplift of the zamindar classes comes up, the honourable member puts forth arguments against the scheme which to tell the truth are not intelligible. I think honourable members who have spoken after him have sufficiently replied to him and I, therefore, need not dilate much on this point. There is, however, one important question in this connection and it is this. This Government takes its hint, as do all Governments from the propaganda in the Press. Probably the attention of some of the members of Government has been invited to a certain passage appearing in a certain paper. I am not going to give the name of the paper just now. Evidently the writer had some misapprehensions about the Government and he, therefore, attributed sinister motives to Government. He perhaps thought that the Government was spreading this propaganda in order to counteract the propaganda that had been carried on by some national organisation. I may assure the Government that we take the strongest exception to any motives that might be attributed to Government. Government in its turn should not care for what might be said by certain sections of the Press. Government should come forward to ameliorate the condition of the zamindars, to help them in their moral and material advancement. We welcome the step that has been taken by the Government and I whole-heartedly support the remarks that have been made by previous speakers that Government should try to find more funds for this very important work.

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muham-madan, Rural) (*Urdu*): Sir, I propose to say a few words with regard to the demand under discussion. I think it will not be improper to recall at this juncture the origin of the Wild Birds and Animals Protection Act. Sometime before the Government thought of gracing the statute book with the said Act, His Excellency the Governor paid a visit to the Kangra District. He was disappointed to find that there was a dearth of suitable game in the *ilaga* and when he learnt that the local *shikaris* had been very extravagant in the consumption of game he thought of putting a check on their activities. He became anxious to preserve game for the pleasure of respectable and virtuous big men. He could not tolerate the idea of allowing the ordinary village-folk to take an undue advantage of their proximity and kill the greatest number of wild animals and birds. Why should, he thought, a local *shikari* be allowed to bag any number of birds and animals for a paltry sum of Rs. 2-8-0 as licence fee? This was how the idea of passing a Wild Birds and Animals Act originated.

But it was given out that the real object underlying this Act was to better the prospects of zamindars. Mr. Donald pointed out and the promise was repeated in the select committee on which I was invited to work, that the Government intended to preserve a particular *ilaga* where all sorts of game would be allowed to flourish. Such a scheme, it was stated, would greatly benefit the zamindars of the *ilaga*. But now it has transpired that the Government does not intend to preserve game for the benefit of the zamindars but its intention is to tax the people and thus make money out of this affair. There is no doubt that mention was made of a licence fee in the beginning but its object was stated to be this that the money so collected would be utilized in mitigating the zamindars' burden of taxation. It was not mentioned that the licence fee was to be levied in order to meet the expenditure of the department. But now it is proposed to levy something more than would be necessary for the running of the department. The Memorandum accompanying the Supplementary Estimates contains these significant words:—

The cost of this appointment will be more than covered by the receipts from the sale of licences under the rules.

I am sorry that Pir Akbar Ali is not present here. He would have borne me out that we expressed this fear in the select committee that the Government would certainly levy more fees than would be absolutely necessary and perhaps Mr. Donald would be appointed to work this scheme. We were doubtful in the very beginning that the Government wanted to provide protection for the birds and animals of the jungle. What the Government wanted, we thought, was to provide work for one of their officers like Mr. Donald.

The Honourable Captain Sardar Sir Sikander Hyat Khan: Was Mr. Donald appointed?

Kanwar Mamraj Singh Chohan: He was not appointed but somebody was appointed after all.

The Honourable Captain Sardar Sir Sikander Hyat Khan: Somebody had to be appointed, you know.

Kanwar Mamraj Singh Chohan : I want that such an officer should be appointed who may be acquainted with all the local conditions. Moreover, the licence fee should not be fixed so high as to allow of some money being saved after meeting the necessary expenditure of the department. Unnecessary burden of taxes should not be placed on the people's shoulders.

My honourable friend Chaudhri Allah Dad Khan raised the question of rural reconstruction. I cannot associate myself with everything which he said. I, however, would point out that whereas the efforts of Mr. Brayne, the deputy commissioners and the revenue assistants under them are praised to the skies nothing is said about the honest endeavours of the subordinate staff under these officers. We should not fail to appreciate the services of the subordinate staff too. I know that people praise only the high officers in order to win their favour. But they should never forget that the brunt of the greatest toil is borne by the members of the lower services. I know Mr. Brayne is a man of sterling worth. He has a mania for making the rural reconstruction scheme a success. (*An honourable member :* Now you are praising him.) I never fail to give honour where it is due. My point is only this that it is very bad to ignore the services of the subordinate staff.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** It is very bad really.

Kanwar Mamraj Singh Chohan : With these words, I resume my seat.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : Sir, I think the spirit underlying the speech of my honourable friend, Chaudhri Allah Dad Khan, has been misunderstood. I do not think, at least I did not understand him to mean, that he was against the rural reconstruction work. What I understood was that the method in which the large amount of people's money was going to be wasted was objectionable. He gave one instance of the supply of a large number of mosquito nets at a cost of Rs. 1-8-0 each for the protection of the people from malaria and mosquitoes. I cannot really understand how a net costing Re. 1-8-0 can be serviceable or useful. Those people who are in the habit of using these nets find that even nets which cost Rs. 5, 6 or 7 become useless in a short time. That being so, how can the zamindar spending Rs. 1-8-0 for himself and for six others of his family at that rate, be able to protect himself and his family from malaria and mosquitoes ? What I understood Chaudhri Sahib to mean was that some work should be done which should really be effective and by which people may really be benefited. I have heard the praises of Mr. Brayne from all sides. But I have not heard a single word as to in what manner the rural reconstruction work so far carried on has proved useful and how people have benefited proportionate to the money spent. It would have been much better if members who are in touch with this work had given some effective and good instances as to how the work has really been done and how it has benefited the zamindar. All members who represent rural constituencies are very anxious that the lot of the people in the villages should be made better, that sanitation should be improved, that education should be improved and so on. But so far as I have been able to see from the various posters and speeches of members here, I gather that nothing has been done by which the people at large have really and effectively gained. What

[Mr. Nanak Chand Pandit.]

we insist and what we should insist is that undoubtedly more money than Rs. 3,500 a month should be spent. Rs. 3,500 a month is nothing compared to the great amount of work to be done. But instead of spending Rs. 3,500 a month on one high official, it would be much better if Government had appointed 100 or 200 graduates and trained them in this propaganda work so that they could go from village to village drawing people's attention to the various diseases such as cholera, small-pox and hundreds of other diseases. I am unable to accept the various kinds of praise put upon rural reconstruction work unless I see any tangible result from it and that is the spirit underlying the speech of my honourable friend, Chaudhri Allah Dad Khan. He really meant this, at least I understood him to mean this, when he was speaking about the mosquito nets, that they were utterly useless, that they could not help the zamindar in any way, and that there should be official agencies for selling these nets is very bad. Even non-official agencies are there which make money on this sort of mosquito net costing Rs. 1-8-0.

The Honourable Mr. D. J. Boyd : Have you seen the net ?

Mr. Nanak Chand Pandit : No.

The Honourable Mr. D. J. Boyd : Have a look and then talk.

Mr. Nanak Chand Pandit : You better send them to Anarkali. Moreover there is another point. A zamindar cannot possibly sleep in the net. He is not accustomed to it. He may sometimes sleep in the farm. There are various ways in which money for rural reconstruction may be spent. It should be well spent and people should be educated in the various methods by which they can make themselves better and happier.

Rao Bahadur Captain Rao Balbir Singh (Gurgaon, non-Muhammadan, Rural) (*Urdu*) : Sir, I have the honour to represent that district where this scheme of rural reconstruction originated. I, therefore, am constrained to participate in this debate. It is really a pity that many of us try to find every possible fault with all the schemes put forward by the Government. If there are a few defects in a scheme, we should overlook them in the interest of the greater gain accruing from most of its parts. For instance, spreading of education is a very important item of the programme of rural reconstruction. Another useful thing introduced by this scheme is the breeding of stallions from Hissar. These stallions have improved our cow breed and the zamindars have earned lakhs of rupees by the sale of bulls of good breed. It does not behove honourable members, therefore, to find fault with the entire scheme of rural reconstruction if they do not like the popularization of mosquito nets. Pandit Nanak Chand objects to the introduction of mosquito nets on the ground that it is a perfectly new thing and that the zamindars are not in the habit of sleeping under them. I confess that I have not been able to see the logic of his argument. Everybody knows that Pandits of old times used to wear *dhotis* and draw *tilaks* on their foreheads. But now the Pandits of our times have adopted western dress and their fore-fathers will never be able to recognise them as their own children if by some miracle they were to come back to life. People begin to use English shoes first of all, then put on trousers and last of all take to the tie too and gradually become most fashionable as regards their dress. In the same manner the zamindar will also adapt himself to the new

circumstances and will learn by and by to utilize the modern articles of use. Another honourable friend of mine said that the zamindars could not afford to buy mosquito nets for Rs. 1-8-0 each. I would ask him to bear in mind that the zamindar stands to lose a good deal more if he is ill on account of mosquito bites. Malarial fever continues for several weeks and the patient cannot attend to any work for months. The money spent on the mosquito nets, therefore, will be profitably spent. Furthermore, the usefulness or otherwise of the scheme of rural reconstruction can be ascertained only by going to villages. We who live and work in villages know full well what advantages have accrued to the zamindar by innovations like Raja hal. It has greatly improved the lot of the zamindar. Many are getting benefit by manufacturing models of this plough. We should, therefore, abstain from embarking on a wholesale condemnation of the scheme brought forward by the Government but should try to help in its working and making it all the more useful.

It has rather become a habit with certain honourable members of the House to oppose the Government in and out of season without considering whether or not the proposal put forward by them is conducive to general welfare. As to the Wild Birds and Wild Animals Protection Act I would simply say that it is intended to afford a sufficient measure of protection to game birds and beasts which are now in danger of becoming extinct. The *shikaris* have effected wholesale destruction of certain beautiful game birds. They have so to say adopted the role of butchers. They go about hunting in order to satiate their taste of different meat dishes leaving instructions to their servants behind to keep ready the spices for cooking the shot birds. Whenever they go to hotels they ask the hotel keepers to serve them with a cooked black partridge dish or a quail dish although it is very difficult for them to discriminate whether it was really a cooked partridge dish or a pigeon dish. When this is the state of affairs, how would you be able to afford adequate protection to game birds unless you adopt some suitable preventive measures? With these words I resume my seat.

Mr. President : Question is—

That a supplementary sum not exceeding Rs. 42,400 be granted to the Governor-in-Council to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of Miscellaneous (Reserved).

The motion was carried.

MISCELLANEOUS (TRANSFERRED).

The Honourable Mr. D. J. Boyd (Finance Member) : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 7,000 be granted to the Punjab Government (Ministry of Local Self-Government) to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of Miscellaneous (Transferred).

Mr. President : Motion moved—

That a supplementary sum not exceeding Rs. 7,000 be granted to the Punjab Government (Ministry of Local Self-Government) to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of Miscellaneous (Transferred).

Chaudhri Allah Dad Khan (Ambala division, north-east, Muham-madan, Rural) : I want to say just a few words about this demand. If I read aright, it has been laid down with respect to demand No. 8 that this money has to be provided to meet the charges of giving four months' leave to those Panchayat officers who were employed till 1931. It is not given from what year they were employed. I think they were discharged within a year or so. If so, they should not be given four months' pay considering that they were in employ only for a year or so. According to Civil Service Regulations a man is entitled to four months' leave if he serves for four years. Why should four months' leave be granted to these gentlemen when they served only for one year. If at all, they can be given only one month's pay. In that case only one-fourth of the amount will be necessary to meet this demand. Unless it is explained what length of service these men had put in—

The Honourable Mr. D. J. Boyd : These men had been appointed certainly in 1928 if not earlier. As Commissioner of Rawalpindi I remember having made these appointments.

Chaudhri Allah Dad Khan : That means they have served only for three years.

The Honourable Mr. D. J. Boyd : It may be 1927, but I remember certainly they were there in 1928.

Chaudhri Allah Dad Khan : The note is defective. It is not put down in it when they were appointed and when they were discharged. How can a man say anything about it? As I understand from the wording of the memorandum at page 13, that they were there only for a short period.

The Honourable Sardar Sir Jogendra Singh : No, they served the full period and were brought under retrenchment and their claim was very carefully considered and the leave was found due to them. There is no over-charge of any kind.

Chaudhri Allah Dad Khan : After four or five years the Punjab Government has awakened to find that these men should be granted leave for four months! Why should the Punjab Government have slept for so many years? You can discharge a temporary man at any time and I believe the Government gave one month's notice and I think that was all that the circumstances of the case required. I therefore consider that this money is not necessary.

Mr. President : Question is—

That a supplementary sum not exceeding Rs. 7,000 be granted to the Punjab Government (Ministry of Local Self-Government) to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of Miscellaneous (Transferred).

The motion was carried.

CIVIL WORKS (CAPITAL EXPENDITURE).

The Honourable Mr. D. J. Boyd : I beg to move—

That an additional sum not exceeding Rs. 25,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of Civil Works (Capital Expenditure).

The motion was carried.

EXPENDITURE IN ENGLAND.

The Honourable Mr. D. J. Boyd : Sir, I beg to move—

That an additional sum not exceeding Rs. 4,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of Expenditure in England (other than Stores) under the control of High Commissioner for India.

The motion was carried.

IRRIGATION—WORKING EXPENSES.

The Honourable Mr. D. J. Boyd : I beg to move—

That a token sum not exceeding Rs. 10 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of Irrigation Working Expenses.

The motion was carried.

CIVIL WORKS (TRANSFERRED).

The Honourable Mr. D. J. Boyd : I beg to move—

That a token sum not exceeding Rs. 10 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of Civil Works (Transferred)

Mr. President : Motion moved—

That a token sum not exceeding Rs. 10 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of Civil Works (Transferred).

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Muhammadan, Rural); (*Urdu*) : Sir, it is a matter of great pleasure that Government have after all come to feel for the terrorist prisoners who have so far been confined in the solitary cells in the various jails of the province. Quite contrary to the spirit of the provisions of the Jail Manual they have not been provided with any companion. Every precaution has been taken to prevent communication between them and ordinary prisoners. It is now proposed to concentrate the dangerous convicts in the Central Jail, Lahore, in a special section accommodating 20 such prisoners. This shows that their number at present is 20 only. But I am sure that there are not only twenty such prisoners but scores of such prisoners confined in solitary cells in the various jails of the province. Their solitary confinement is a source of great hardship to them. In this connection I would like to give an instance of an assistant surgeon prisoner who was imported into this province from Bengal. He was kept confined for full eleven months in the Rawalpindi Jail in a solitary cell and this exasperated him so much that he had to give notice to the Government of his intention to end his miserable life by committing suicide in case he continued to remain in that cell without companion for any length of time. Consequently I was transferred from Multan Jail to keep company with him in the Rawalpindi Jail. This is how the terrorist prisoners are treated. This Bengalee prisoner was a learned young man and I succeeded in persuading him to give up the terrorist creed.

The Honourable Mr. D. J. Boyd : Very good.

Chaudhri Afzal Haq : But Government cannot take pride in such a state of affairs. The said prisoner during this period of eleven months did not commit any jail offence although walking swiftly, coughing and laughing loudly constitute jail offences. In spite of this the treatment meted out to him was very harsh. The twenty prisoners referred to above have been kept confined in solitary cells for the last eight months and they must have been treated in the manner in which the Bengalee prisoner was treated. A civilised Government cannot be expected to treat prisoners even if they are terrorists in a manner which I have already described. There is no harm if the terrorists are given the company of other prisoners. The prisoners of the Kanari Bazar case were kept together. They did not do anything which was against the rules of the Jail Manual. They never tried to escape, nor did anything else which could be described as an infringement of the jail rules. There are not only 20 prisoners to accommodate whom the Government has made a provision. There are some 50 or 60 such prisoners whom I know and who are at present kept in the different jails of the country. They are confined in separate cells and no one is allowed to go near them. Those people who have never been kept in the jails cannot realise the hardships of separate confinement. In the jails of this province you can easily make arrangements for accommodating such prisoners. The Central Jail, Multan, is a most up to date jail. In this jail you can keep the terrorist prisoners. In the New Central Jail you have kept together very dangerous criminals—the term of imprisonment of each of them being more than 80 years or a century,—but you keep the terrorists in separate cells. You have got sufficient accommodation in the New Central Jail. You can put such prisoners in it. In addition to it the Borstal Jail is also a very safe place. You can accommodate these prisoners in it. The part of the jail which is meant for the old prisoners can be utilized for this purpose. For the time being you can transfer the terrorist prisoners to Lahore. To keep these prisoners in separate cells is a cruelty and I wonder how it is they have not become insane up to this time. I hope the Government will very kindly consider the submissions that I have made.

Mr. President : Question is—

That a token sum not exceeding Rs. 10 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of Civil Works (Transferred).

The motion was carried.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE APPROPRIATION ACCOUNTS, 1932-33.

The Honourable Mr. D. J. Boyd : Sir, with your permission I lay on the table the report of the Public Accounts Committee on the Appropriation Accounts, Punjab, for the year 1932-33 and other matters.

The Council then adjourned till 2 p. m. on Wednesday, the 24th October 1984.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Wednesday, 24th October 1934.

The Council met at the Council Chamber at 2 p. m. of the clock. Mr. President in the chair.

OATH OF OFFICE.

The following member was sworn in :—

Mr. F. B. Wace (Registrar, Co-operative Societies).

STARRED QUESTIONS AND ANSWERS.

FISHERIES DEPARTMENT AND FISHING LICENSES.

***3555. Lala Jyoti Prasad :** Will the Honourable Minister for Agriculture please state—

- (a) whether the number of fishing licences for each stream is fixed ;
- (b) if so, on what basis it has been so fixed ;
- (c) if not, what steps are taken to counteract the effects of over-fishing ;
- (d) whether it is a fact that professional fishermen are generally leaving their profession, because they do not find many fish in the streams ;
- (e) if so, what has the Department of Fisheries done in this direction ;
- (f) whether some of the streams are stocked with fish fry from time to time ;
- (g) if so, under whose supervision ; if not, why not ?

The Honourable Sardar Sir Jogendra Singh : (a) No.

(b) Does not arise.

(c) None ; as there does not appear to have been any over-fishing.

(d) No.

(e) Does not arise.

(f) Yes ; in some streams in Kangra proper, Simla Hill States and the Kulu Sub-Division.

(g) The stocking is done under the supervision of the sub-inspectors and deputy sub-inspectors of the circles concerned. Watchers are also appointed to look after the ova and fry in the streams.

SEDUCTION OF BOYS BY TEACHERS.

***3556. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Education kindly state—

(a) how many cases of seduction of boys by teachers were reported during the last five years by the—

(i) primary schools maintained by district boards ;

[S. Jawahar Singh Dhillon.]

- (ii) primary schools maintained by municipal town committees and notified areas ;
- (iii) primary departments of secondary and high schools maintained by all local bodies ;
- (iv) primary departments of all secondary and high schools maintained by private bodies but recognised by the Education Department in the Punjab ;
- (b) how many of the cases thus reported were dealt with departmentally and how many by the law courts and with what results ;
- (c) how much time is generally taken in conducting departmental enquiry into such cases ;
- (d) whether Government proposes to take any steps to expedite the departmental enquiry in view of the fact that a delayed action on the part of the authorities is liable to cause gross miscarriage of justice ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected, and will be supplied to the honourable member when ready.

CHANGE OF RELIGION IN ENTRIES BY GOVERNMENT SERVANTS.

***3557. Sardar Jawahar Singh Dhillon :** Will the Honourable Member for Finance kindly state—

- (a) whether the Chief Secretary has received any representation from any of his subordinates requesting that entry against his religion be changed from Hindu into Sikh ;
- (b) what action he intends to take regarding this matter ;
- (c) whether it is a fact that Lala Gopal Dass, an assistant in the Punjab Civil Secretariat, has also made a similar request ;
- (d) whether it is a fact that till the last Sub-Judges' examination he has been describing himself as Hindu ;
- (e) whether he will ascertain whether this is a *bona fide* request for a change of religion ?

Mr. C. C. Garbett (Chief Secretary) : (a) No.

(b) Does not arise.

(c) Lala Gopal Dass made an application to the Assistant Secretary, but subsequently withdrew it.

(d) Yes.

(e) Does not arise.

INSPECTOR OF FISHERIES.

***3558. Sardar Sampuran Singh :** Will the Honourable Minister for Agriculture please state—

- (a) whether the subordinate staff of the Fisheries Department has submitted any representation expressing certain grievances against the Inspector of Fisheries ;
- (b) whether an enquiry is proposed into the allegations made in the representation ; if not, why not ?

The Honourable Sardar Sir Jogendra Singh : (a) No.

(b) Does not arise.

SALE OF ANCESTRAL AGRICULTURAL LAND IN KOTLI AKHWANAN.

***3559. Chaudhri Allah Dad Khan :** Will the Honourable Member for Revenue please state—

- (a) whether it is a fact that about a year ago Mr. Jowala Das, a Subordinate Judge of Phalia tahsil, ordered the sale of ancestral agricultural land belonging to one Muhammad Din, a minor Arain lad and his younger brothers, which is situated in Kotli Akhwanan in Gujrat district, in execution of a money decree obtained by one Nathu Ram, a non-agriculturist of Mong in the same tahsil ;
- (b) whether the land has been actually sold in execution of the said decree ;
- (c) whether it is a fact that the said Muhammad Din is entered in the revenue records as a Maliar ;
- (d) whether it is a fact that Arains in a large number of Punjab districts are known as Maliars, and that Gujrat district is one of such districts ;
- (e) whether Government propose to take any action in the matter ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a),

(b) and (c) The information is correct with regard to one Muhammad Din who is entered in the revenue records as a Maliar. Government have no information whether this Muhammad Din is in reality an Arain ;

(d) Government understand that Arains are in parts of the province sometimes known as Maliars, but this does not necessarily imply that every Maliar is an Arain.

(e) Government obviously can take no action in the case mentioned. It is open to any person who is entered in the revenue records as a Maliar to prove if he can by the ordinary process of law that he is an Arain.

DIRECTOR OF INDUSTRIES.

***3560. Chaudhri Afzal Haq :** With reference to the answer given to the supplementary question put by Mr. Labh Singh under starred question No. 3927¹, will the Honourable Minister for Local Self-Government be pleased to state—

- (i) (a) the nature of the source of his information ;
- (b) whether the source of his information was private or official ;
- (c) whether the source of his information was the Director of Industries himself ;
- (d) whether he had received the information through the Director of Industries ;
- (ii) (a) when was the information supplied to him ;
- (b) whether he took any steps to verify the correctness of the information supplied to him ;

[Ch. Afzal Haq.]

- (c) whether the man who supplied the information was an official or a private friend ;
- (d) if the man who supplied the information was an official what steps were taken against him ;
- (e) if the man who supplied the information was a private friend why unauthentic information was used in answering a Council question ;
- (iii) (a) the name of the relation of Mr. Muhammad Din Malak alleged to be serving in the office of the Director of Industries ;
- (b) the nature of relationship ; and
- (c) the nature of disciplinary action alleged to have been taken by the Director of Industries ;
- (d) the date on which the alleged disciplinary action was taken ;
- (iv) whether Mr. Muhammad Din Malak had ever approached the Director of Industries personally or through a friend :
 - (a) on behalf of anybody whether serving in the office of the Director of Industries or in the Industries Department ; or
 - (b) on behalf of his alleged relation ?

The Honourable Dr. Gokul Chand Narang : (i) (a), (b), (c) and (d) It is not in the public interest to give detailed replies to these questions. But I am satisfied that the information which reached Government officially was obtained from a reliable source.

- (ii) (a) About the middle of September 1982.
- (b) No verification was necessary as the matter was not of much importance and there was no reason to doubt the accuracy of the information which had proceeded from a highly respectable source—a member of this House.

- (c), (d) and (e) Please see answer given above.
- (iii) (a) M. Taj Din, Drawing Master.
- (b) Not stated.
- (c) The action taken was fairly severe, but the details are confidential.
- (d) Orders were issued by the Director of Industries on 15th August 1982.
- (iv) The Director of Industries was approached on behalf of M. Taj Din but not directly by Mr. Muhammad Din Malak.

DIRECTOR OF INDUSTRIES.

***3561. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government be pleased to lay on the table a statement showing

the names and the designations of the relations of Mr. Muhammad Din Malak, if any, who are either at present serving or have served during the last 4 years—

(a) in the office of the Director of Industries,

(b) or in the Industries Department showing against each name the nature of the relationship?

The Honourable Dr. Gokul Chand Narang : I would refer the honourable member to the reply given to Council question No. *3560. It is not the practice of any Government Department to keep a record of the relations of its employees.

DIRECTOR OF INDUSTRIES.

***3562. Chaudhri Afzal Haq :** (i) Will the Honourable Minister for Local Self-Government be pleased to state—

(a) whether with a view to ascertaining the truth he has since made any enquiry into the correctness of the information on which he had deemed it fit to base his reply to the supplementary question of Mr. Labh Singh put under starred question No. 3327¹;

(b) if so, the result of such enquiry;

(c) whether the result of the enquiry has satisfied the Honourable Minister that his information was incorrect.

(ii) If the reply to (c) above be in the affirmative, will the Honourable Minister please state what steps he proposes to take to make due amends to Mr. Muhammad Din Malak?

The Honourable Dr. Gokul Chand Narang : (i) and (ii) No, but if Mr. Muhammad Din Malak assures me that he is neither related to M. Taj Din nor has interested himself on his behalf, I shall certainly accept his assurance.

CASES OF SUICIDE AND ATTEMPTED SUICIDE.

***3563. Chaudhri Afzal Haq :** (i) Will the Honourable Member for Revenue please state—

(a) the total number of cases of suicide and attempted suicide during the year 1934;

(b) how many such cases were due to unemployment;

(c) how many such suicides reported to the Police that the Government should either provide bread or send them to jail, otherwise they would commit suicide;

(ii) Will the Honourable Member for Revenue please lay on the table a statement showing the total number of unemployed in the Province in the year 1932 and 1933? If no such census has so far been taken, do Government now propose to take a yearly census of the unemployed?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (i) Government have no information except in regard to those cases which were reported to the Police. Their number was—

(a) 562.

(b) 10.

(c) Nil.

[Hon. Sir Sikander Hyat Khan.]

(i) *First part*.—The information is not available.

Second part.—No. In present conditions the value of such statistics would not appear to be commensurate with the cost of collection.

ELECTIONS OF THE SENIOR AND JUNIOR VICE-PRESIDENTS, LAHORE DISTRICT BOARD.

***3564. Chaudhri Afzal Haq :** With reference to the answer given to starred question No. 3394 (b),¹ will the Honourable Minister for Local Self-Government please state—

- (a) whether he had made any enquiries into the allegation contained in question No. 3394 (b) from the Chairman of Lahore District Board ;
- (b) if not, why the reply to starred question No. 3394 (b) was given without enquiring into the matter ;
- (c) whether he can throw light as to why Sardar Muhammad Hussain preferred his resignation from the vice-presidency ;
- (i) whether it was a protest against the ruling of the Chairman, or
- (ii) whether he of his own accord withdrew his name from the vice-presidency ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Does not arise.

(c) The record of proceedings does not show that any reasons were given by Sardar Muhammad Hussain for tendering his resignation.

AGE BAR FOR MIDDLE SCHOOL EXAMINATION.

***3565. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that there is no age bar, both for males and females, for appearing in the Matriculation examination ;
- (b) whether it is a fact that there is no age bar, for males for appearing in the middle school examination ;
- (c) whether it is a fact that girls under 13 years of age cannot appear in the middle school examination ;
- (d) if so, the reason why age bar is fixed for a lower examination ;
- (e) what steps Government proposes to take to remove this anomaly ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) Yes.

(c) Yes, a girl who has studied privately and has not passed the 5th primary examination can appear as a private candidate, provided she has attained the age of thirteen years on the 1st of January of the year of the examination. Girls appearing from schools are required to spend three years at school subsequent to their passing the 5th primary examination.

(d) The restriction of age has been imposed to guard against mental strain producing a detrimental effect on the health of the girls at a critical period of their lives.

(e) Government proposes to take no steps to remove a safeguard of the health of the future mothers of the province.

PUBLIC HOLIDAY ON THE BIRTHDAY OF LORD MAHAVIRA.

***3566. Shrimati Lekhwati Jain :** Will the Chief Secretary to Government please state—

- (a) whether Government has received any representation on behalf of the Jain community for the declaration of the birthday of Lord Mahavira as a public holiday ;
- (b) whether it is a fact that public holidays are given in the Punjab for the celebration of the birthdays of all the founders of principal religions ;
- (c) whether it is a fact that there is no public holiday for the Jain community ;
- (d) whether it is a fact that the Jains form a very strong and influential community in the Punjab ;
- (e) whether Government is aware that the failure of the Government to declare the birthday of their supreme Lord a public holiday has caused great resentment in the community ;
- (f) whether it is a fact that on account of the non-observance of such public holiday many Jains are deprived of participating in the festivities, attending many religious ceremonies and performing many sacred rites ;
- (g) whether Government propose to take steps to declare the birthday of Lord Mahavira as a public holiday to allay the growing resentment in the community ;
- (h) if it is not possible to declare it a general holiday throughout the Punjab, what objection Government has to declare it a local holiday in those districts of the province where the Jains are found in large numbers or to authorise the Deputy Commissioners of the districts to declare it a local holiday if they consider it proper ?

Mr. C. C. Garbett : (a), (b) and (c) Yes.

(d) Statistics do not support this suggestion.

(e) and (f) Government have no such information.

(g) No. The number of public holidays is already large.

(h) District officers already have discretion in this matter.

APPOINTMENTS MADE BY THE DIRECTOR OF INDUSTRIES.

***3567. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether any appointments of machinists, turners and fitters have been made recently by the Director of Industries, Punjab; if so, how many ;
- (b) whether these appointments were advertised in the *Tribune* or any other paper ; if so, how many applications for them had

[Shrimati Lekhwati Jain.]

been recieved ; whether these applications include the students of the Government Metal Works Institutes under the control of the Director ; and if so, how many ;

- (c) whether any of these candidates was accepted ; if not, why not ;
- (d) whether Government will consider the desirability of giving preference to them over those of other institutions, at least so far as the appointments concerned are under the control of the Director himself ?

The Honourable Dr. Gokul Chand Narang : (a) Yes—

Machinist-Turner	1
Turner	1
Fitter	1

(b) The appointments were advertised in the *Tribune* and the *Eastern Times*. Applications were received as under—

Machinist-Turner	46
Turner	9
Fitter	29

Of the foregoing applications, 3 were from ex-pupils of the Ambala Metal Works Institute.

(c) No, as none of the three ex-pupils of the Ambala Metal Works Institute satisfied the conditions of appointment as technical teachers.

(d) Preference is always given to ex-students of the Institutions of the Industries Department in filling posts in the department provided they possess the requisite qualifications and experience.

COMPANIES REGISTERED WITH THE REGISTRAR, JOINT STOCK COMPANIES.

***3568. Shrimati Lekhwati Jain :** Will the Honourable Member for Revenue please state—

- (a) how many companies have been registered with the Registrar, Joint Stock Companies, whose principal business is the sale of some sort of bonds and distributing some sorts of periodical prizes, with their names, principal place of business and the names of their managing directors ;
- (b) the total amount of money realized by these companies from the public through the sale of shares of such companies and the sale of bonds ;
- (c) the total amount invested by these companies in Government securities and in loans to secured and unsecured creditors at the end of the last half year ; whether it is a fact that the majority of the chief promoters of these companies are ex-convicts ;
- (d) whether Government proposes to check the unrestricted growth of such companies and control the investment of the money already realized by such companies ;
- (e) whether he will issue a quarterly statement as to the financial condition of such companies ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) A statement is laid on the table.

(b) This information is not required to be filed with the Registrar and hence it is not available.

(c) All these companies with the exception of the General Relief Association, Limited, and the Diamond General Assurance Company, Limited, are private companies which are not required to file a copy of their balance sheets with the Registrar. Hence complete information is not available.

As regards the General Relief Association, Limited, and the Diamond General Assurance Company, Limited, it is understood that no money has been invested in Government securities.

Government has no information whether any of the promoters of the companies is an ex-convict.

(d) The law gives no power to Government to interfere.

(e) The reply is in the negative for the reasons given in reply to paragraph (c) above.

Statement showing the names of companies whose principal business is the sale of bonds and distribution of periodical prizes—with the principal place of business and the names of Managing Directors.

Serial No.	Names of Companies.	Principal place of business.	Names of Managing Directors or Secretary.
1	The General Relief Association, Limited ..	Lahore ..	C. R. Ahuja, Chief Officer.
2	The Industrial Bank of India, Limited ..	Ambala Cantonment.	V. P. Kapila, Managing Director.
3	The Diamond General Assurance Company, Limited.	Lahore ..	Hardit Singh Giani, Managing Director.
4	Mutual Support Company, Limited ..	Multan ..	Harbans Lal, Managing Director.
5	Lakshmi Bonds Corporation, Limited ..	Lahore ..	Lekh Raj Kalra, Managing Director.
6	Venus Bonds (India), Limited ..	Do. ..	J. R. Chopra, Managing Director.
7	Sindh Alliance Bank of India, Limited ..	Jullundur ..	Jhanga Ram, Managing Director.
8	Bengal Bonds Bank of India, Limited ..	Lahore ..	Manohar Singh, Managing Director.
9	Upper India Insurance Society, Limited ..	Ambala Cantonment.	Harbans Singh, Managing Director.
10	The Bombay Corporation of India, Limited	Kalka ..	Seth Badri Parshad Mithal, Managing Director.
11	American Bank of India, Limited ..	Lahore ..	Abdullah Khan, Managing Director.
12	Union Commercial Bank of India, Limited	Ferozepore ..	R. C. Garg, Managing Director.
13	Hindustan Insurance Company, Limited ..	Lahore	Vir Indar Jolly, Managing Director.
14	The Muslim Zamindars Helping Society, Limited.	Behrampur ..	Abdul Aziz, Secretary.
15	Sagar Assurance Bank of India, Limited ..	Lahore ..	Abdul Aziz, Director.

ESTATES UNDER THE MANAGEMENT OF COURT OF WARDS.

***3569. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member please state the names of all the estates in the Punjab under the management of Court of Wards giving the following particulars :—

- (i) the names of all the wards ;
- (ii) the total amount of debt of each estate when it came under the Court of Ward ;
- (iii) the total amount of debt on 30th June due from each estate ;
- (iv) the total amount paid by the Court of Wards to discharge the debt ;
- (v) the value of the property alienated by the Court of Wards of each estate ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member has not specified the year, but reference is invited to statements I to IV appended to the report on the Administration of Estates under the Court of Wards for the year ending 30th September 1933.

CHARGES FOR INSPECTING COURT FILES.

***3570. Shrimati Lekhwati Jain :** Will the Honourable Finance Member be pleased to state—

- (a) the charges for inspecting court files in the mofussil and in the High Court, (i) on the day of hearing and (ii) on any other day ;
- (b) why it is that the Government has fixed higher charges in the case of local lower courts than in the High Court ;
- (c) the fees charged in other provinces in India ;
- (d) whether it is a fact that these charges are far higher in the Punjab than in any other province ;
- (e) whether it is a fact that on account of these exorbitant inspection charges, comparatively fewer files are inspected ;
- (f) whether it is also a fact that these heavy charges lead to much corruption amongst the ministerial staff of the courts ;
- (g) whether Government propose to take steps to lower these inspection charges in order to bring them to the level of those prevailing in the High Court and in the courts in other provinces in India ?

The Honourable Mr. D. J. Boyd : (a) (i) on date of hearing—
Mofussil.
High Court.

Re. 1 search fee *plus* Rs. 2 for each hour or part of an hour's inspection before the actual hearing. Rs. 5 a day.

(ii) On any other day—

Re. 1 search fee <i>plus</i> Re. 1 for each hour or part of an hour's inspection on any day subsequent to the day of hearing or on the day of hearing provided the actual hearing has ended.	Re. 1 a day for parties to pending cases, Rs. 2 a day in decided cases and for strangers to the suit in a pending case.
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(b) Conditions in the High Court and local courts are not the same, but the honourable member will notice that in the majority of cases the charges in the lower courts are not greater than those in the High Court.

(c), (d), (e) and (f) Government have no information.

(g) Government are not proposing to lower the charges.

CHARGES FOR ISSUING URDU AND ENGLISH COPIES IN THE COPYING
DEPARTMENT.

***3571. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member please state—

- (a) what was the *modus operandi* for issuing copies in the copying department in 1925 ;
- (b) what is the present procedure ;
- (c) whether it is a fact that the present procedure causes great inconvenience to all who have to obtain copies, and whether any complaints have been received by Government in that respect ;
- (d) whether it is a fact that the present method causes much botheration to the staff of the department who have to preserve unnecessary accounts and make extra payments to the litigants ;
- (e) whether Government will call for a report on the working of the present method from all head copying agents in all the districts ;
- (f) whether Government consider the advisability of introducing the old method which was convenient both to the litigants and the staff of the department ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (b) The procedure is prescribed in Financial Commissioners' Standing Order No. 5. No alteration has been made except that copies are now supplied on deposit of the approximate cost of copies, whereas prior to April 1932 they were supplied V. P. P.

(c) and (d) It is a fact that the Financial Commissioner has received complaints that the present system of advances is causing inconvenience both to the public and to the staff.

(e) This has already been done.

(f) This will be decided after the local officers have reported.

CHARGES FOR ISSUING URDU AND ENGLISH COPIES IN THE COPYING
DEPARTMENT.

***3572. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member please state—

- (a) the rates of charges for issuing Urdu and English copies in the copying department in the Punjab ;
- (b) the charges in the United Provinces ;
- (c) whether it is a fact that the charges for obtaining certified copies in the Punjab are far higher than in any other province in India ;
- (d) whether the cost of preparing copies in the Punjab is higher than in the United Provinces ;

[Shrimati Lekhwati Jain.]

- (e) if so, why ;
 (f) if not, why there is so much difference in charges ;
 (g) the charges prevalent in 1910, 1920, and 1930 ; and under what circumstances these charges were enhanced ;
 (h) whether Government will consider the desirability of lowering these charges ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a)
 The information is given in the reply to part (g) below. The rates of 1930 are still in force in the Punjab.

(b) The charges in the United Provinces are as follows :—

	Judgment or final order in any judicial proceeding.	Deposition.	Decree.	Any other paper except a book, register, map, or plan or an extract therefrom.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Ordinary copy ..	1 4 0	1 0 0	0 8 0	1 0 0
Urgent copy ..	2 8 0	2 0 0	1 0 0	2 0 0

(c) The charges in the other provinces in India are not known. The relative cost as between the Punjab and the United Provinces depends on the length of the copy asked for.

(d) Government have no information.

(e) and (f) Do not arise.

(g) The rates prevalent in 1910, 1920 and 1930 are given below—

Year.		RATES OF COPYING FEES.	
		English.	Urdu.
		Rs. A. P.	Rs. A. P.
1910	For first 200 words or under ..	0 6 0	0 3 0
	For every additional 100 words or fraction thereof.	0 2 0	0 1 0
1920	For first 200 words or under ..	0 8 0	0 4 0
	For every additional 100 words or fraction thereof.	0 4 0	0 2 0
1930	For first 200 words or under ..	0 12 0	0 6 0
	For every additional 100 words or fraction thereof.	0 6 0	0 3 0

The rates of 1910 were exclusive of record-office fees and the cost of the paper, while those of 1920 were consolidated rates including record-office fees and cost of paper. The rates of 1930, which are still in force, were introduced in 1921 as part of a general financial readjustment.

(h) The Financial Commissioner has recently considered the desirability of reducing copying fees (as a result of a cut motion moved by Kanwar Mamraj Singh Chohan, in the March 1934 session of the Punjab Legislative Council, with the object of inviting attention to the excessive rates of copying fees prevalent in the Punjab). After consulting all the Deputy Commissioners the Financial Commissioner decided that no general reduction was possible in view of the statistics given in reply to Council question No. 9573 (starred). Further enquiry is, however, being made with regard to copies of depositions of parties and exhibits filed in a case, with a view to reducing copying fees, if possible, for these documents.

INCOME FROM THE COPYING DEPARTMENT.

***3573. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member please state the total amount of income derived from the copying department in each financial year during the last five years ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The figures of gross receipts, expenditure and net income of the Copying Agency Department are given below—

Year.			Receipts.	Expenditure.	Net income or loss (+ or -).
			Rs.	Rs.	Rs.
1929-30	..	..	8,35,032	8,52,060	-17,028
1930-31	..	..	7,66,479	7,94,724	-28,245
1931-32	..	..	6,98,120	7,20,013	-21,893
1932-33	..	..	6,60,180	6,63,005	-2,825
1933-34	..	..	6,03,368	6,01,292	+2,076

SUPPLY OF ARTICLES TO CIVIL PRISONERS.

***3574. Shrimati Lekhwati Jain :** Will the Honourable Finance Member be pleased to state—

- the charges for supplying utensils and clothes to the civil prisoners in Ambala Jail which are realized by the Jail authorities from the decree-holder, in Ambala Jail ;
- whether these utensils and clothes are purchased by the Jail authorities from the market or from some Government store ;

[Shrimati Lekhwati Jain.]

- (c) if they are purchased from the bazar, whether Government will place on the table of the House the bills received and receipts for payments in respect of the same from 1st January 1934 ;
- (d) if they are purchased from Government store, how much money has been credited to Government under this head ;
- (e) whether the utensils and clothes supplied to the civil prisoners are taken back at the time of their discharge or whether they are allowed to take these articles with them ;
- (f) if these articles are taken back how they are disposed of ;
- (g) whether it is a fact that in Ambala Jail no civil prisoner is allowed to take back these articles which legally belong to him, and are kept by the Jail authorities and subsequently availed of for other civil prisoners, and their cost realized from the decree-holders and misappropriated by the Jail authorities ;
- (h) how Government proposes to prevent this evil in Ambala Jail ?

The Honourable Mr. D. J. Boyd : (a), (b), (c) and (d) Utensils and clothes are not supplied to civil prisoners by the jail authorities and no amounts are realised by the jail authorities on this account from the decree-holder. Clothes are supplied by the decree-holder who can, if he wishes, obtain them from the local Discharged Prisoners' Home. Utensils are not required, as the food of civil prisoners is prepared in the convict cook-house and served by convict cooks. If any civil prisoners prefer it, they are permitted to use their own utensils or are supplied with the use of cooking vessels by the jail.

(e) and (f) As already explained, utensils are not supplied. On the release of a civil prisoner, any articles of clothing which were not originally his own property are taken from him and made over to the decree-holder or his agent.

(g) No. In particular the suggestion of misappropriation on the part of the Jail authorities is totally unjustified.

(h) Does not arise.

SUPPLY OF ARTICLES TO CIVIL PRISONERS.

***3575. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (a) whether it is a fact that the decree-holders are authorized by rules to supply the necessary clothes and utensils purchased by themselves ;
- (b) whether it is a fact that the Jail authorities in Ambala Jail never accept such articles purchased by the decree-holder but always insist on payment of a fixed sum of Rs. 11-12-0 ;
- (c) whether the actual cost of these articles exceeds Rs. 5 ;

- (d) what are the articles so supplied to civil prisoners and the cost-price of each such article ;
- (e) whether Government proposes to issue instructions to the Jail authorities of Ambala Jail to accept the articles if supplied by the decree-holder ?

The Honourable Mr. D. J. Boyd : (a) Decree-holders are bound to supply clothes, if necessary, but not utensils.

(b) No.

(c) Government have no information regarding their cost.

(d) The articles supplied by the decree-holder to a civil prisoner are—

For the summer season.

Kurtas	..	..	..	..	2
Parnas	..	..	..	..	2
Dhotis	..	..	..	..	2
Chadar	..	..	..	..	1
Munj mat	..	..	..	..	1
Blankets	..	..	..	..	2
Pugree	..	..	..	..	1

For the winter season.

Kurta	..	..	..	..	1
Parna	..	..	..	..	1
Dhoti	..	..	..	..	1
Pugree	..	..	..	..	1
Munj mat	..	..	..	..	1
Bandi	..	..	..	..	1
Blankets	..	..	..	..	4

Government have no information regarding their cost.

(e) This practice is followed, and no instructions are required.

CIVIL PRISONERS.

***3576. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (a) how many prisoners have been sent to Ambala Jail in execution of civil decrees in 1931, 1932, 1933 and 1934 ;
- (b) how many of such prisoners have been discharged in the middle of a month ;
- (c) how do the Jail authorities refund the balance of the money deposited with them for the entire month and to whom ;
- (d) whether it is a fact that the people who go to the jail to realize the above sum are put to great inconvenience and hardship and have to spend on its recovery more than what they realize ;

[Shrimati Lekhwati Jain.]

- (e) whether it is a fact that in the past many notices have been served on the Secretary of State for India for realization of this money deposited with the Jail authorities ;
- (f) whether it is a fact that a suit was also filed for recovery of these sums ;
- (g) how much money is still lying deposited with the Jail authorities of Ambala Jail in respect of balances due ;
- (h) what do Government propose to do in the matter ?

The Honourable Mr. D. J. Boyd : (a) 417.

(b) 157.

(c) The unspent diet money is returned to the decree-holder if he comes for it personally otherwise is sent to him by money order.

(d) No.

(e) Government are not aware of any such notices having been served upon the Secretary of State for India.

(f) Government have no information of such a suit.

(g) A sum of Rs. 137-3-6 is in deposit in the local Treasury in respect of the balances due.

(h) Nothing unless the honourable member can supply details of any case in which a refund has been refused.

SIMLA MUNICIPAL EMPLOYEES.

***3577. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that the Simla Municipality has passed a resolution to the effect that all of their employees should be made to retire on attaining the age of 55 years ;
- (b) if the reply to (a) be in the affirmative, the age of the Secretary and of the Octroi Superintendent ;
- (c) if the age of the persons referred to above is above 55 years, the reasons for still retaining them in service ?

The Honourable Dr. Gokul Chand Narang : (a) No. The Simla Municipal Committee has adopted Fundamental Rule 56 for the superannuation of employees. In accordance with this rule the non-ministerial officials of the committee are ordinarily required to retire on attaining the age of 55. The committee may, however, sanction their retention in service after that age, if this course appears to be in the public interest.

(b) 58 and 51, respectively.

(c) As indicated above the committee is itself competent to extend the term of the secretary's service. No reason appears for intervention by Government in the matter.

MUNICIPAL BYE-LAWS, SIMLA.

***3578. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether any resolution was passed by the Simla Municipality in June 1931 in regard to the enforcement of bye-laws regarding the sanitation and lighting of the roads in the suburban villages within the Simla municipal limits ;
- (b) if so, what are these bye-laws and whether they have actually been enforced or not ;
- (c) if not, why the resolution has not been given effect to for so long a time ;
- (d) whether Government proposes to take any action in the matter ?

The Honourable Dr. Gekul Chand Narang : (a) No.

(b), (c) and (d) Do not arise.

DIRECTOR OF INDUSTRIES.

***3579. Mr. Muhammad Din Malak :** (i) Will the Honourable Minister for Local Self-Government please state whether it is a fact—

- (a) that in 1919 Mr. E. A. Scott, a senior engineer officer of the North-Western Railway, and as such possessed of life-long experience in mechanical and industrial engineering, was appointed as Assistant Director of Industries, and it was only after he had inspected the existing industries in the Punjab for 6 months and had acquired first hand knowledge of the Department of Industries in other provinces that he was appointed as Director of Industries, Punjab ;
- (b) that Mr. E. A. Scott was succeeded on his retirement, in October 1925, by Dr. R. C. Rawlley, M.A., M.Sc., D.Sc. (London), F.R.E.S., who, besides such high academical qualifications had a wide experience of commerce and industries in their various branches, had worked on the teaching staff of the London School of Economics, and before joining as Director of Industries in the Punjab had worked as managing director of the Sholapur Cotton Mills ;
- (c) that on the termination of Dr. Rawlley's 5 years contract of service, in August 1930, Rai Bahadur Lala Ram Lal was appointed as Director of Industries whose qualifications are—
 - (i) that he is a matriculate of the Punjab University ;
 - (ii) that he started service as a junior clerk, then became a stenographer, and was subsequently promoted to the Punjab Civil Service ?
- (d) If the replies to (a), (b) and (c) above be in the affirmative, will Government please state as to why the recommendations of the Industrial Commission, as embodied in paragraph 811 of their report 1916—18, were ignored in appointing Rai Bahadur Lala Ram Lal as Director of Industries, and the reason for not making any attempt to enlist the services of a well-equipped gentleman to act as a successor of Messrs. E. A. Scott and R. C. Rawlley ?

The Honourable Dr. Gokul Chand Narang : (i) and (ii) Government consider that the selection of Rai Bahadur Lala Ram Lal, as Director of Industries, has been fully justified by the results he has achieved. Government is not now prepared to discuss the propriety of that choice or to enter into invidious comparison in respect of academic qualifications which have never been considered an essential factor in the selection of officers for high posts, even for posts much more exalted than that of Director of Industries.

The selection of Rai Bahadur Ram Lal for the post of Director of Industries does not contravene the recommendations of the Industrial Commission and is amply justified by his all-round ability and his excellent work.

Shaikh Muhammad Sadiq : May I know what those "more exalted" posts are that are referred to in the answer?

The Honourable Dr. Gokul Chand Narang : I should require notice of that question. But I may say that they include the Executive Councillorship of the Viceroy's Council.

DIRECTOR OF INDUSTRIES.

***3580. Mr. Muhammad Din Malak :** With reference to the reply given to starred question No. 3505¹ by the Honourable Minister for Local Self-Government on behalf of the Honourable Member for Finance, namely—

"It may interest the honourable member to know that with the exception of Bengal and Bombay, the Directors of Industries in all provinces of India are civilians possessing no technical qualifications as such,"

will the Honourable Minister for Local Self-Government please state—

- (a) the respective academical qualifications of such of the Directors of Industries of other provinces as are civilians and are not possessed of technical qualifications, and
- (b) whether such civilian Directors of Industries belong to the cadre of Indian Civil Service or provincial civil service, and,
- (c) whether there are any civilian Directors of Industries in other provinces whose academical qualifications are not higher than the matriculation standard?

The Honourable Dr. Gokul Chand Narang : Government do not consider that any useful purpose will be served by the collection of the information which the honourable member requires. If these questions are intended to suggest that the present incumbent of the office of the Director of Industries has not the necessary qualifications for that appointment, I can assure the honourable member that Government are completely satisfied that the present Director of Industries has more than justified his appointment by his industry, ability, integrity and by the improvements he has effected in the Department.

CHAUDHRI KAHAN SINGH, PUNJAB VETERINARY SERVICE.

***3581. Mr. Muhammad Din Malak :** With reference to the reply given to (ii) of the starred question No. 3507¹, viz.—

“Government has no information, but an enquiry is being made from the Audit office and the result will be communicated to the honourable member in due course,”

will the Honourable Minister for Agriculture please state the result of the promised enquiry?

The Honourable Sardar Sir Jogendra Singh : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

CHAUDHRI KAHAN SINGH, PUNJAB VETERINARY SERVICE.

***3582. Mr. Muhammad Din Malak :** With reference to the reply to starred question No. 3508², will the Honourable Minister for Agriculture please reply to the question now?

The Honourable Sardar Sir Jogendra Singh : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

HEADMASTER, CENTRAL MODEL SCHOOL, LAHORE.

***3583. Mr. Muhammad Din Malak :** With reference to the reply given to starred question No. 3312³ and the supplementary question put thereunder, will the Honourable Minister for Education please state—

- (a) when did the Headmaster of the Central Model School, Lahore, vacate the rooms ;
- (b) for how long did he occupy the school rooms ;
- (c) the exact number of school rooms occupied by him, when he did live in the Boarding House premises?

The Honourable Malik Sir Firoz Khan Noon : (a) In May, 1934.

(b) He never occupied any school room ; but resided in the residential quarters in the hostel from January 1930 to May 1934.

(c) 1. Does not arise. 2. From January 1930, to May 1934.

HEADMASTER, CENTRAL MODEL SCHOOL, LAHORE.

***3584. Mr. Muhammad Din Malak :** With reference to the reply to part (b) of starred question No. 3313, will the Honourable Minister for Education please state definitely if it is not a fact that the Auditors had recommended that the Headmaster of the Central Model School, Lahore, should be charged for the use of extra rooms, and, if so, what action, if any, was taken on the Auditors' report?

The Honourable Malik Sir Firoz Khan Noon : There is nothing to add to the reply already given to part (b) of the starred question No. 3313¹. The auditors did not recommend that the Headmaster of the Central Model School, Lahore, should be charged for the use of extra rooms which he never occupied, and no action was, therefore, called for or necessary.

TEACHERS OF CENTRAL MODEL SCHOOL, LAHORE.

***3585. Mr. Muhammad Din Malak :** With reference to the statement laid on the table in compliance with starred question No. 3345², will the Honourable Minister for Education please state—

- (a) the respective dates on which the landed and house property was acquired by each of the masters ;
- (b) whether declarations as required by rule 11 of the Government Servants' Conduct Rules, 1904, had been duly made by each of the masters at the time of acquiring the landed and house property ; if so, whether he will lay on the table a statement embodying these declarations, and if no such declarations were made, what action Government proposes to take for infringement of the rule ;
- (c) whether Government have taken any steps to satisfy themselves that keeping in view the rates of their salaries it was possible for the masters to save enough money to acquire the landed and house property which they have acquired ;
- (d) whether Government have satisfied themselves that the valuation of the property as entered in column 2 of the statement correctly represented the market value of the property in each case ?

The Honourable Malik Sir Firoz Khan Noon : (a)—

1.	Lala Mohan Lal Bhalla	..	..	1928-29
2.	Mr. E. V. Sircar	..	..	1924-25
3.	Sardar Bhagwan Singh. His wife purchased land in ..	..	..	1929-30 and 1930-31.
4.	Lala Kishan Dayal	..	..	1929-30
5.	Lala Harcharan Das	..	..	1929-30
6.	Sardar Jagat Singh	..	..	1915-16
	His wife	..	..	1929-30
7.	Lala Hukam Chand	..	..	1931-32 and 1932-33.
8.	Lala Gokal Chand	..	..	1931-32
9.	M. Khairat Ali. His wife purchased in	..	..	1924-25
10.	M. Ghazanfar Ali	..	..	1931-32
11.	Pandit Ram Narain	..	..	1918-19 and 1930-31.

(b) Declarations have been regularly submitted by the teachers along with annual confidential reports from 1927 onwards. The practice of submitting declarations of property was not in vogue in the Education Department before 1927. It is added for the honourable member's information that declarations of property are confidential documents, and it will serve no useful purpose to make them public.

(c) Yes.

(d) The value given in each case represents the approximate value of the period; market value is a fluctuating factor depending on the appreciation or depreciation in the value of land, building material, cost of labour and the condition of the money market.

SARDAR KHARAK SINGH, DIVISIONAL AGRICULTURAL OFFICER.

***3586. Mr. Muhammad Din Malak :** With reference to answers to starred questions Nos. 2989¹, 3370² and 3371², will the Honourable Minister for Agriculture please state—

- (a) the circumstances responsible for a reply to these questions not being made available for the last 6 months or more;
- (b) the result of the enquiry with reference to the terms of the starred questions mentioned above?

The Honourable Sardar Sir Jogendra Singh : Sardar Sahib Kharak Singh has gone on leave preparatory to retirement, and I am sure honourable member will agree, it is no use pursuing this enquiry any further.

MR. COYNE, SUPERINTENDENT, IRRIGATION SECRETARIAT.

***3587. Mr. Muhammad Din Malak :** With reference to answer to starred questions 3006³, 3372⁴ and the supplementary question put thereunder, and the subsequent communication by post from the Honourable Revenue Member that Mr. Coyne had been suspended though not under rule 16 of the Government Servants' Conduct Rules, will the Honourable Member for Revenue please state—

- (a) under what particular rule Mr. Coyne was suspended;
- (b) for what offence Mr. Coyne had been suspended;
- (c) the period for which Mr. Coyne had remained suspended;
- (d) the date on which Mr. Coyne was suspended;
- (e) the date from which Mr. Coyne was re-instated;
- (f) whether it is not a fact that the order of suspension was lifted on certain conditions; if so,
 - (i) what are those conditions, and,
 - (ii) whether Mr. Coyne had fulfilled these conditions,
 - (iii) if not, why no action was taken against Mr. Coyne?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Paragraph 1-38 of the Public Works Department Code, sub-paragraphs (1) and (2) (copy placed on the table)—

- (b) failure to carry out orders;

[Hon. Sir Sikander Hyat-Khan].

- (c) Two months.
- (d) 7th July 1931—afternoon.
- (e) 7th September 1931—afternoon.
- (f) Government thinks it against the public interest to publish the details of disciplinary action taken in its offices.

Copy of paragraph 1·38 of Chapter I, Public Works Department Code.

III.—SUSPENSION.

1·38. Any person whose conduct is under investigation on a serious charge likely to involve dismissal, if proved, should be placed under suspension till the matter has been decided by the authority competent to dismiss him.

(2) A person whose conduct is under investigation should also be suspended, if necessary, to safeguard against his tampering with records or witnesses.

(3) The authority competent to suspend or release from suspension is the local Government or any lower authority having the power to dismiss the person concerned. When an officer who has not the power considers immediate suspension essential, he may order it subject to confirmation by competent authority, making an immediate report asking for confirmation, but this course should not be taken without very good reason.

NOTE.—In the Irrigation Branch no officer below the rank of a Superintending Engineer may place under suspension a subordinate non-ministerial or ministerial Government servant.

MR. COYNE, SUPERINTENDENT, IRRIGATION SECRETARIAT.

***3588. Mr. Muhammad Din Malak :** With reference to the replies given to starred questions 3006¹ and 3373², will the Honourable Revenue Member please state the reasons which disposed Government not to take due action against Mr. Coyne for such a long time, particularly when it stands admitted,—

- (i) that his pay has been under attachment for approximately 24 months ;
- (ii) that his pay has been attached since 1929 with the exception of certain periods of long and short leave ;
- (iii) that he has not been able to discharge his debts within the prescribed period of 2 years ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The only action that is due to be taken under the Governments Servants' Conduct Rules is that detailed in paragraph 4 of Rule 16 (copy placed† on the table in connection with the reply to Council question 3006¹).

On 28th June 1929 Mr. Coyne was asked to explain his position with reference to Rule 16. As it appeared probable that, if granted leave, he could obtain funds sufficient to clear his debts, he was allowed to proceed on leave on 14th October 1929, from which he returned on 8th February 1931. During his absence on leave, there was no need to proceed with the case.

MR. COYNE, SUPERINTENDENT, IRRIGATION SECRETARIAT.

***3589. Mr. Muhammad Din Malak :** With reference to the reply given to part (c) of starred question 3373², will the Honourable Member for Revenue please state the result of action taken under Rule 16 (3) and (4) ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : On receipt of the report submitted as required by paragraphs 3 and 4 of Rule 16 of the Government Servants' Conduct Rules, the case was given full consideration, and it was decided that there was no case for dismissal.

TRANSFERS OF OFFICERS AND SUBORDINATES OF THE EDUCATION DEPARTMENT.

***3590. Mr. Muhammad Din Malak :** Will the Honourable Minister for Education please lay on the table departmental orders and circulars which govern transfers of officers and subordinates of the Education Department?

The Honourable Malik Sir Firoz Khan Noon : Copies of the latest departmental circulars governing the transfers of officers and subordinates employed in the Education Department are laid on the table. It is added for the information of the honourable member that previous circulars which have been more or less superseded are very old and difficult to trace unless the period for which they are required is specified.

Copy of a letter No. 16380-E., dated Lahore, the 16th November 1930, from Sir George Anderson, Director of Public Instruction, Punjab, to the Divisional Inspectors of Schools, Punjab.

I HAVE the honour to invite attention to the instructions contained in paragraph 1 (b) of Punjab Government (Ministry of Education) Memo. No. 530-E.S., dated the 18th July 1923. In spite of these orders, and of my letter No. 2182-E., dated the 24th January 1928, transfers ordered by divisional inspectors continue to be frequent and take place at all times of the year instead of as indicated in that memo. I would request that the orders of Government may be more carefully observed in future.

Copy of a letter C. M. No. 11120-E., dated the 30th May 1933, from R. Sanderson, Esq., M.A., Under-Secretary to Government, Punjab, to (1) the Divisional Inspectors of Schools in the Punjab, (2) the Principals of Government Colleges in the Punjab, (3) the Deputy Directors of Public Instruction, Punjab.

I AM directed by the Punjab Government (Ministry of Education) to invite attention to the orders in Punjab Government letter No. 29580 (H.-Gaz.), dated the 17th November 1927, a copy of which was forwarded to you with C. M. endorsement No. 18717-E., dated the 5th December, 1927, and to state that these orders are frequently disregarded in the matter of postings and transfers. It should, therefore, be made quite clear to the officers serving under you that they are employed where, in the opinion of Government, they can be most useful, and that transfer from the inspection to the teaching line and *vice versa* is normal and is not to be considered as either degradation or promotion. Any further breach of the orders in question will be visited with severe disciplinary action.

Copy of a letter No. 16211-E., dated Simla, the 30th August 1934, from R. Sanderson, Esq., M.A., Director of Public Instruction, Punjab, to the Divisional Inspectors of Schools in the Punjab.

A CASE has recently come to my notice where an inspector of schools transferred a teacher at his own expense as a punitive measure without giving him an opportunity to clear his position. As a transfer at one's own expense, except when applied for, is tantamount to a fine and, therefore, definitely a penalty, I have the honour to state that transfers under such conditions must not be made until the officer concerned has been given an opportunity to clear himself.

TEACHERS OF CENTRAL MODEL SCHOOL, LAHORE.

***3591. Mr. Muhammad Din Malak :** With reference to the statement laid on the table in compliance with starred question 3945¹, will the Honourable Minister for Education please state—

- (a) the reason or reasons for not transferring the masters of the Central Model School, Lahore, to other Government Schools in the province;

[Mr. Muhammad Din Malik.]

- (b) the reason for not allowing opportunities to teachers of other Government schools to serve in the Central Model School, Lahore?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) The interests of public service.

The honourable member's attention is also drawn to the concluding part of my answer to the honourable member's question no. 3309¹ (starred).

UNIVERSITY LAW COLLEGE, LAHORE.

***3592. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Education be pleased to state in respect of the University Law College, Lahore :—

- (a) the present number, community-wise, of the members of the teaching staff, stating also the number of agriculturists and non-agriculturists of each community ;
- (b) the total amount, community-wise, paid as salaries to members of the teaching staff, in the last financial year ;
- (c) the total number, community-wise, of new employments on the teaching staff, for each of the last fifteen years, stating also how many were agriculturists and how many non-agriculturists ;
- (d) the total number, community-wise, of members of the teaching staff, whose services were dispensed with, or otherwise came to an end, for each of the last fifteen years, specifying the number of agriculturists and of non-agriculturists ;
- (e) the total number, community-wise, of the members of the clerical staff, and the administrative staff other than the teaching staff specifying the number of agriculturists and of non-agriculturists in each community ;
- (f) the total amount, community-wise, paid as salaries to the members of the clerical staff, and the administrative staff mentioned in (e) during the last financial year ;
- (g) the total number, community-wise, of the members of the menial staff specifying the number of agriculturists and of non-agriculturists in each community ;
- (h) the total amount, community-wise, paid as salaries to the members of the menial staff during the last financial year ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected and will be supplied as soon as ready.

EXAMINERS FOR LAW EXAMINATIONS.

***2593. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Education be pleased to state, community-wise, the number of examiners for :—

- (a) the LL. B.,
- (b) the F. E. L.,
- (c) the LL. M., and

- (d) the Conveyancing and Deed-writing Diploma examination of the University of the Punjab, specifying the number of agriculturists in each community, and the total emoluments, community-wise, of the examiners of each class during each of the last five financial years?

The Honourable Malik Sir Feroz Khan Noon : The information is being collected and will be supplied to the honourable member as soon as ready.

JUDICIAL BRANCH OF THE PUNJAB CIVIL SERVICE.

***3594. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state the strength of each community (stating how many were agriculturists and how many were non-agriculturists) in each grade in the Judicial Branch of the Punjab Civil Service :

- (a) at the time when the last Chief Justice assumed the reins of the office of Chief Justice of the Lahore High Court ;
(b) at the time when the last Chief Justice retired from the office of Chief Justice ?

Mr. C. C. Garbett (Chief Secretary) : The information available to Government is contained in the History of Services of Gazetted Officers, the Civil List and the Annual Statement showing the proportions of communities and of agriculturists and non-agriculturists. This information is available in the Council Library.

The collection of supplementary details would involve expenditure which, in the opinion of Government, would not be commensurate with the result obtained.

JUDICIAL BRANCH OF THE PUNJAB CIVIL SERVICE.

***3595. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state, community-wise, the number of appointments made during each of the last fifteen years to the Judicial Branch of the Punjab Civil Service, stating also the number of agriculturists and of non-agriculturists in each community ?

Mr. C. C. Garbett (Chief Secretary) : Such information on these points as is available to Government is contained in the Civil List, the History of Services of Gazetted Officers and the Annual Statement showing communal proportions and the percentages of agriculturists and non-agriculturists. These compilations are supplied to the Council Library.

Supplementary details could not be obtained without an expenditure which Government considers would not be justified by the result to be achieved.

LAWYERS.

***3596. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state for each of the years 1920 to 1984 (inclusive) the number community-wise (specifying how many lawyers of each community were agriculturists and how many were non-agriculturists) of those whose names were on the

- (a) Division Bench List ;

[Ch. Muhammad Abdul Rahman Khan.]

(b) Single Bench List; and

(c) Defence List;

respectively of the Lahore High Court?

The Honourable Mr. D. J. Boyd : A statement is laid on the table containing as much information as is available. Government have no information regarding the agricultural or non-agricultural status of gentlemen practising at the Bar.

Statement showing the number (Community-wise) of Counsel for Crown and defence work in the High Court during the years 1920—1934.

Years.	DIVISION BENCH LIST.				SINGLE BENCH LIST.				DEFENCE LIST.			
	Hindu.	Muslim.	Sikh.	Others.	Hindu.	Muslim.	Sikh.	Others.	Hindu.	Muslim.	Sikh.	Others.
1920	2	3	..	2
1921	2	3	..	2
1922	3	3	1	..
1923	4	3	2	..
1924	12	5	1	2	3	1	1	3
1925	11	5	1	3	5	1	3	..
1926	12	5	1	5	8	3	..	..
1927	12	7	..	4	7	2	2	..
1928	13	7	1	4	9	2	1	..
1929	15	7	1	3	9	2	1	1
1930	..	3	2	2	10	6	1	2	9	3	1	1
1931	..	3	2	2	12	6	1	1	7	5	1	1
1932	..	3	2	1	10	4	1	1	8	5	1	1
1933	..	3	2	1	9	5	2	3	8	5	1	..
1934	..	3	2	1	12	5	2	2	9	5	1	..

NOTE.—1. Prior to 1924 the Crown lists were not maintained by the High Court.
2. Up to 1929 there used to be only one list for the Crown.

EDITORIAL STAFF OF THE INDIAN LAW REPORTS.

*3597. **Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state the number of Muslims who have been members of the reporting or editorial staff of the Indian Law Reports (Lahore Series) and its predecessor, the Punjab Record, the name of each such gentleman and the period during which each held his appointment?

The Honourable Mr. D. J. Boyd : Editors Nil.

Reporters on the staff of the Indian Law Reports.

Two; one for 2½ years and the other for six months. It is not the practice to give names.

The Punjab Record was published by a private firm and no information is available regarding the communities to which its reporters belonged.

APPOINTMENTS IN THE LAHORE HIGH COURT.

*3598. **Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state the strength of each community (stating how many are agriculturists and how many non-agriculturists) in the following appointments in the Lahore High Court :—

- (a) Assistant or Deputy Registrars ;
- (b) Judges' Readers ;
- (c) Judgment-writers and Stenographers ;
- (d) Members of the editorial and reporting staff of the Indian Law Reports ;
- (e) Translators ;
- (f) Superintendents ;
- (g) Assistant Superintendents ;
- (h) Head Clerks ;
- (i) Senior Clerks ;
- (j) Junior Clerks ;
- (k) Menial Staff ?

The Honourable Mr. D. J. Boyd : A statement is laid on the table.

Statement.

Nature of appointment.	Total No. of appointments.	Europeans and Anglo-Indians.	MUSLIMS.		HINDUS.		SIKHS.		OTHERS.	
			Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.
Assistant, Deputy and Assistant Deputy Registrars.	3	2	..	..	..	1	..	..	..	..
Judges' Readers ..	8	..	1	1	..	5	1	..	..	..
Judgment-writers and Stenographers	8	..	1	2	..	3	..	1	..	1
Members of Indian Law Reports.	3	1	..	..	..	1	..	1	..	..
Translators ..	28	..	4	7	1	16	..	..	..	..
Superintendents ..	8	1	1	1	..	4	..	1	..	..
Assistants ..	16	3	..	1	..	11	..	..	..	1
Senior Clerks ..	39	1	7	7	..	18	3	1	..	2
Junior Clerks ..	78	..	23	10	..	33	6	4	..	2
Vernacular Copyists	1	..	..	1	..	..	..	..	..	..
Total ..	192	8	37	30	1	92	10	8	..	6

MENIALS.

Hindus	..	..	..	57
Muslims	..	..	..	36
Sikhs	..	..	..	4
Others	..	..	..	10
Total ..	..	..	..	107

N.B.—1. There are no such posts as Head Clerks.

2. By Assistant Superintendents presumably Assistants are meant.

3. Details in regard to Agriculturists and Non-agriculturists in the menial staff are not available.

APPOINTMENTS IN THE CIVIL COURTS.

***3599. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state the provincial strength of each community (stating in the case of each community how many are agriculturists and how many non-agriculturists) in the following appointments in the Civil Courts of the province :—

- (a) Official Receivers in Bankruptcy ;
- (b) Clerks of Court ;
- (c) Readers of the Court ;
- (d) Stenographers ;
- (e) Ahlmads ;
- (f) Bankruptcy Moharrirs ;
- (g) Clerks ;
- (h) Copyists, if they are not included in the clerks ;
- (i) Nazirs ;
- (j) Bailiffs ;
- (k) Process-servers ;
- (l) Menial Staff ?

The Honourable Mr. D. J. Boyd : The information is not readily available and the expenditure of time and labour involved in compiling it would be out of proportion to the value of the result. In the circumstances the Government regret that they are unable to supply the required information.

FISHERIES RESEARCH OFFICER.

***3600. Mr. Muhammad Din Malak :** Will the Honourable Minister for Agriculture please state—

- (a) if it is a fact that Bhai Ude Singh, who has recently been appointed to officiate as a Fisheries Research Officer, got his M.Sc. from the Lucknow University after working for about a year only ;
- (b) whether B. Ude Singh had ever done any research work ;
- (c) the nature of the research work he did and the time he devoted to it ;
- (d) if it has not been the professed policy of the Government to treat the Administration branch entirely independent of and unconnected with the Research section of the Fisheries Department ? If the reply be in the affirmative why B. Ude Singh, who has no research work to his credit, has been appointed as a Research Officer ;
- (e) whether the authorities had approved of the research work carried on by B. Ude Singh for a month ? If the reply be in the negative, please state reason for again appointing him as a Research Officer ?

The Honourable Sardar Sir Jogendra Singh : (a) Not one year but two years.

(b) and (c) According to his own statement he carried out research for one year at the Royal Institute of Science, Bombay, before his appointment to the Fisheries Department.

(d) No.

(e) He was appointed to officiate as Fisheries Research Officer for a period of about one month and no final opinion could be formed.

FISHERIES RESEARCH OFFICER.

***3601. Mr. Muhammad Din Malak :** Will the Honourable Minister for Agriculture please lay on the table the recommendation made by the Government Entomologist for filling up the officiating vacancy of the Fisheries Research Officer, and state—

- (a) the reasons for not giving due weight to it ;
- (b) the reasons for not advertising the post as suggested by the Government Entomologist ?

The Honourable Sardar Sir Jogendra Singh : (a) It is not in the public interest to lay such correspondence on the table.

- (b) Does not arise.

DIVISIONAL OFFICER AND SUB-DIVISIONAL OFFICER, CANALS,
LYALLPUR.

***3602. Chaudhri Allah Dad Khan :** Will the Honourable Member for Revenue please state—

- (a) if the proceedings of a big meeting of the zamindars of Chiniot tahsil of the Jhang District, published on pages 6—8 of the "Kashatkar" newspaper of Lyallpur, of the 10th August 1934, have come under the notice of the Government ;
- (b) whether the Government intends to make an enquiry into the allegations made at the meeting against the Divisional Officer and the Sub-Divisional Officer, Canals, Lyallpur ;
- (c) to what community both the officials belong and how long has each of them been at Lyallpur ;
- (d) what action Government intends to take about other demands of the zamindars made at the meeting ; if not, why not ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan :

- (a) No.
- (b) Does not arise.
- (c) Executive Engineer, Lyallpur division—Hindu—has been there since January 1932.

Sub-Divisional Officers, Kot Khudayar and Aminpur—Hindus—have been there since October 1933 and April 1932.

Sub-Divisional Officer, Uqbana (headquarters in Lyallpur)—European—October 1932 to June 1934 when he was relieved by a Muslim.

- (d) Does not arise.

MURDERS COMMITTED BY HARPHUL AND MUGHLA.

***3603. Chaudhri Allah Dad Khan :** Will the Honourable Member for Finance please state—

- (a) how many murders were committed by the notorious Harphul in the Rohtak and Hissar districts, before he was arrested ;

[Ch. Allah Dad Khan.]

- (b) how many of the murdered men in (a) were Hindus and how many Muslims ;
- (c) whether any one was prosecuted for harbouring him ; if so, how many ;
- (d) how many men or women, community-wise, were arrested for harbouring Mughla, another notorious absconder in the Rohtak district, in 1983 or 1984 ;
- (e) how many of those arrested in (c) were prosecuted, how many were released and after what period of confinement in each case ?

The Honourable Mr. D. J. Boyd : (a) 12 in Rohtak and 2 in Hissar.

(b) 8 Hindus and 11 Muslims.

(c) None.

(d) Hindus 12 men and 1 woman.

Muslims 86 men and 1 woman.

(e) 59 were prosecuted of whom 28 were released ; their period of confinement being :—

In the case of 5 persons 24 hours each.

In the case of 1 person 8 days.

In the case of 1 person 5 days.

In the case of 3 persons 10 days each.

In the case of 2 persons 20 days each.

In the case of 2 persons 1 month each.

In the case of 9 persons 2½ months each.

In the case of 5 persons 4½ months each.

POLICE CONSTABLE KUNDAN.

***3604. Chaudhri Allah Dad Khan :** Will the Honourable Member for Finance please state—

- (a) whether it is a fact that a Muslim constable of police, named Kundan, was arrested and dismissed from service for harbouring the notorious absconder Mughla ;
- (b) what were, in detail, the charges against Kundan ;
- (c) whether it is a fact that Kundan was challaned and was discharged and whether he was arrested again and, if so, for what offence ;

The Honourable Mr. D. J. Boyd : The information is being collected and will be supplied to the honourable member when ready.

SONEPAT MUNICIPALITY.

***3605. Chaudhri Allah Dad Khan :** Will the Honourable Minister for Local Self-Government please state—

- (a) the population of Sonapat town in the Rohtak district, in respect of Hindus and Muslims ;

- (b) the strength of the members of the Sonapat Municipality, in respect of Hindus and Muslims, respectively ;
- (c) if the number of Hindu members is greater than that of the Muslim members, what are the reasons therefor ;
- (d) whether it is a fact that both the president and the senior vice-president of the Sonapat Municipality are Hindus ;
- (e) if the answer to (d) is in the affirmative, what action Government intends to take in the matter ?

The Honourable Dr. Gokul Chand Narang : (a) Muslims 8,060
Hindus 6,101.

Others (mainly Jains and Christians) 889.

(b) and (c)—

	Elected.	Appointed non-official.	Appointed official.
Muslims	3	..	..
Non-Muslims	3	..	2
Total	6	..	2

Out of the two official members one happens to be a European and the other a Hindu. On another occasion both may be Muslims.

(d) No.

(e) Does not arise.

COW SACRIFICE AT BHIL CHHAPPAR.

***3606. Chaudhri Allah Dad Khan :** (i) Will the Honourable Member for Finance please state—

- (a) whether he is aware that out of the total population of about 700 souls of the Bhil Chhappar village in Jagadhri tahsil of Ambala district there are about 40 Hindus and the rest are Muslims ;
- (b) whether he is aware that the village mentioned in (a) was founded by Muslim agriculturists ;
- (c) whether it is a fact that on the occasion of Bakar-i-Id festival the Muslims have been sacrificing cows for a long time except on the last Bakar-i-'Id ;
- (d) whether he is aware that on the last Bakar-i-Id of 1934, the Deputy Commissioner of Ambala prohibited the sacrifice of cows ;

[Ch. Allah Dad Khan.]

- (e) to what community the Deputy Commissioner, Ambala, the Magistrate who heard application under section 107, Criminal Procedure Code, in connection with the sacrifice referred to above, the assistant sub-inspector of police in Chhappar of Bilaspur thana to which the village belongs, belonged when the orders prohibiting sacrifice of cows in (d) were issued ;
- (f) whether he is aware that the Muslims of the village are greatly perturbed by the orders referred to in (d) ;
- (ii) if the answers to (a), (b), (d) and (f) are in the affirmative what action the Government intends to take in the matter ?

The Honourable Mr. D. J. Boyd : (a) The honourable member is misinformed. The latest census figures are as follows :—

Hindus	228
Muhammadans	451
Sikh	1
Christians	7

Total 687

- (b) No. The founder according to Government records was a Hindu.
- (c) No.
- (d) Yes.
- (e) The deputy commissioner and the magistrate concerned were Hindus and the assistant sub-inspector of police a Sikh. The case was investigated and the order recommended by a European magistrate.
- (f) Government have no information on the point.
- (ii) Nothing.

ALIENATION OF AGRICULTURISTS' LAND.

***3607. Chaudhri Allah Dad Khan :** Will the Honourable the Revenue Member kindly state in respect of the district of Gujrat for each of the last ten years ;

- (a) the number of cases in which the proposal of the Collector for the temporary alienation of an agriculturist's land for a definite period for a complete liquidation of the decretal debt was replaced by civil courts with their own proposal for auctioning the right of usufruct for that period and giving credit to the judgment-debtors to the extent of the sale-proceeds ;
- (b) the number of cases in which Civil Courts arrogated to themselves the power of partitioning joint holdings and delivering possession of specific *khasra numbers* ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It is regretted that the information is not available and could not be collected without incurring an expenditure out of proportion to the result gained.

AVERAGE AGRICULTURAL HOLDING.

***3608. Chaudhri Allah Dad Khan :** Will the Honourable the Revenue Member be pleased to state the size of the average agricultural holding in the Punjab in 1933 or the latest year for which figures are available ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member's attention is invited to the statistics given in Mr. R. Calvert's brochure. "The size and distribution of cultivators' holdings in the Punjab" published in 1928 by the Board of Economic Enquiry, Punjab, and to statement No. III of the latest report on the Land Revenue Administration of the Punjab for the year ending 30th September 1933.

Chaudhri Allah Dad Khan : For what year are the figures ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The book was published in 1928.

Chaudhri Allah Dad Khan : Then by this time there might have been great many changes. I have asked for the present figure.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : That is all the information that we can supply.

Chaudhri Allah Dad Khan : Further enquiries might be instituted.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I should like to have notice of that question.

Chaudhri Allah Dad Khan : I have already asked that question.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : You have asked for "latest year for which figures are available." I have referred the honourable member to the documents available from which the information can be obtained.

Chaudhri Allah Dad Khan : But that answer is of no use to me.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I am very sorry indeed.

CO-OPERATIVE SOCIETIES.

***3609. Chaudhri Allah Dad Khan :** Will the Honourable the Minister for Agriculture be pleased to state the total number of Co-operative Societies in the Punjab on the 1st January 1934, or the latest date for which figures are available, and also the total number of co-operators on the same date ?

The Honourable Sardar Sir Jogendra Singh : The total number of Co-operative Societies on 31st July 1934 was 21,435 with a membership of 710,271.

TOTAL ACREAGE OF AGRICULTURAL LAND.

***3610. Chaudhri Allah Dad Khan :** Will the Honourable the Revenue Member be pleased to state the total acreage of agricultural land in the Punjab on the latest date for which figures are available also specifying such date ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member's question is not quite clear ; but perhaps the following figures for 1932-33 will meet his requirements :—

Culturable waste (other than fallow)	..	14,592,863
Current fallows	.. ..	4,643,799
Area sown	.. ..	26,255,667
Total	..	<u>45,492,329</u>

AVERAGE YIELD PER ACRE OF WHEAT.

***3611. Chaudhri Allah Dad Khan :** Will the Honourable the Revenue Member be pleased to state the average yield per acre of wheat in the Punjab for the latest year for which figures are available and, if possible, also for the five years preceding it ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Statement showing the average yield per acre of wheat for the last 6 years is laid on the table.

Statement showing the average yield per acre of wheat for the last 6 years.

Year.	Average yield per acre of wheat.		
	Mds.	Srs.	Ch.
1928-29	8	16	0
1929-30	10	14	0
1930-31	9	6	0
1931-32	8	12	0
1932-33	8	37	0
1933-34	7	32	0

ALIENATION OF AGRICULTURISTS' LAND.

***3612. Chaudhri Allah Dad Khan :** Will the Honourable the Revenue Member kindly state in respect of the district of Gujrat for each of the last ten years ;

- (a) the number of references made by the Civil Courts to the Collector for the temporary alienations of statutory agriculturists' land in the execution of decrees ;

(b) the number of cases in which the proposal of the Collector was accepted ;

(c) the total of the areas for each year in respect of which such temporary alienation took place ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (b) A statement is laid on the table.

(c) It is regretted that the information is not readily available. Its collection would involve a disproportionate amount of labour.

GUJRAT DISTRICT.

Statement showing the number of references made by the civil courts to the Collector for the temporary alienations of statutory agriculturists' land in execution of decrees.

Year.	Number of references made by the civil courts.	Number of cases in which the Collector's advice was accepted.
1924	14	14
1925	16	16
1926	20	20
1927	39	33
1928	62	54
1929	42	24
1930	33	33
1931	28	23
1932	39	37
1933	89	86

MONEY LENDERS AND AGRICULTURISTS IN THE PUNJAB.

***3613. Chaudhri Allah Dad Khan :** Will the Honourable the Revenue Member be pleased to state the total number in the Punjab according to the latest census figures of—

(a) those who are supported by agriculture ;

(b) landed proprietors in the province ;

(c) money-lenders in the province ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the Census of India 1931 Report, Volume XVII (Punjab) Part II, Tables, which contains all the information on the subject possessed by this Government.

[GURDWARA SITE IN MANDI BAHU-UD-DIN.]

***3614. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state with reference to the answer to (d) of starred question No. 3219¹, dated the 22nd March 1934 ;

(a) whether any information has been received yet, whether the whole price has been realized and what balance, if any, remains unpaid ;

(b) the steps that are being taken to realize the balance ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The requisite information has been called for from the local officers, and will be supplied to the honourable member, when received.

[SCHOOL IN MANDI BAHU-UD-DIN.]

***3615. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government be pleased to state with reference to starred question No. 3169² put on 19th March 1934, how the sum of Rs. 2,225 mentioned in his answer is distributed amongst the different schools and what measures the Government proposes to take to secure a more fair community-wise distribution of the money amongst the various schools mentioned ?

The Honourable Dr. Gokul Chand Narang : The present distribution is as follows :—

	Rs.
1. Khalsa Primary Middle School	923
2. Islamia Primary School	288
3. Khalsa Putri Pathshala	441
4. Sanatan Dharam Putri Pathshala	840
5. Arya Samaj Putri Pathshala	283
	<hr/> 2,225

The grants payable to these aided schools are calculated by the officers of the Education Department in accordance with rules contained in the Punjab Education Code.

[PUBLIC PROSECUTOR, GUJRAT.]

***3616. Chaudhri Afzal Haq :** With reference to starred question No. 3170³, dated the 20th of March 1934, will the Honourable Finance Member be pleased to state the result of the enquiry ?

The Honourable Mr. D. J. Boyd : The result of the enquiry showed that there were good reasons for employing the lawyer who was actually engaged to conduct the appeals referred to in question No. 3170³. Government are satisfied that the choice of lawyers was properly made.

[DEPUTY COMMISSIONERS OF MIANWALI.]

***3617. Chaudhri Afzal Haq :** Will the Honourable Member for Finance be pleased to state the names of the Deputy Commissioners of Mianwali from 1920 to the present day, specifying also the period during which each was posted in the district ?

Mr. C. C. Garbett (Chief Secretary): A statement containing the required information is laid on the table.

Statement showing the names of officers who have held charge of the post of Deputy Commissioner, Mianwali, since 1920.

Name.	PERIOD.	
	From	To
Mr. (now Honourable) D. J. Boyd, C.I.E.	1st January 1920 ..	16th March 1920.
	22nd November 1920 ..	1st January 1921.
Rai Bahadur Pandit Manmohan Nath	17th March 1920 ..	21st November 1920.
Mr. H. K. Trevaskis, O.B.E. ..	2nd January 1921 ..	16th November 1921.
Mr. (now Honourable Mr. Justice) M. M. L. Currie.	17th November 1921 ..	20th July 1924.
Kh. Siraj-ud-Din	21st July 1924 ..	12th November 1924.
Mr. E. Sheepshanks	13th November 1924 ..	23rd July 1926.
Khan Bahadur Zaman Mehdi Khan	24th July 1926 ..	12th June 1927.
	3rd October 1927 ..	15th November 1929.
Mr. Amin-ud-Din	13th June 1927 ..	2nd October 1927.
Rai Bahadur Radha Kishan ..	16th November 1929 ..	6th September 1931.
	7th January 1932. ..	1st June 1933.
Mr. J. Read	7th September 1931 ..	11th January 1932.
Mr. P. K. Kaul	2nd June 1933 ..	To date.

ALIENATIONS OF AGRICULTURAL LAND IN CHAKWAL.

***3618. Chaudhri Afzal Haq:** Will the Honourable Member for Revenue be pleased to state—

- whether it is a fact that in the small town of Chakwal in the Jhelum district alienations of agricultural land have taken place on a large scale in contravention of the Alienation of Land Act;
- the period during which these alienations took place and whether mutations in respect of them were allowed by the Revenue authorities;
- whether such alienations in contravention of the provisions of the Punjab Alienation of Land Act still continue;
- whether the Government would cause a list of such alienations to be placed on the table of the Council?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : If the honourable member will indicate the exact period for which he desires the information, an enquiry will be made.

MUHAMMAD KHAN KHATTAR, LAMBARDAR OF RATWAL.

***3619. Chaudhri Afzal Haq :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether it is a fact that the whole of the agricultural land belonging to one Muhammad Khan, Khattar, a lambardar of Ratwal, near Fateh Jang was given by the Revenue authorities in usufructuary mortgage to a non-agriculturist creditor of his in execution of a decree which authorised the usufructuary mortgage of a portion of the land only ;
- (b) the area of which the usufructuary mortgage was allowed under the decree and the area in respect of which the usufructuary mortgage was given, specifying also the date of the latter ;
- (c) whether it is a fact that this man owned 10,000 acres and the decree was in respect of 5,000 acres, but the whole was conveyed in usufructuary mortgage to the creditor ;
- (d) the name and designation of the officer who was responsible for the mistake and how the mistake occurred and whether any disciplinary action has been taken against any one responsible for this mistake ;
- (e) what steps, if any, Government propose to take for the correction of the mistake and the adjustment of the rights of the parties ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No.

(b) The share owned by Muhammad Khan in Khewat No. 1, of village Ratwal, amounts to 4,282 *kanals* 7 *marlas*. This is the area that was given to the usufructuary mortgagee in accordance with the order of the Civil Court and the mutation in respect thereof was sanctioned on 6th April 1927.

(c) No.

(d) and (e) Do not arise.

LAND BELONGING TO AGRICULTURAL TRIBES IN PIND DADAN KHAN.

***3620. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) the total area of agricultural land in Pind Dadan Khan in the Jhelum district, belonging to members of agricultural tribes when it was made a municipal committee and the date for which the figures are given ;
- (b) whether certain villages in the vicinity of Pind Dadan Khan were also declared to be within the bounds of the municipality, and, if so, the total area of land in these villages belonging to members of agricultural tribes on the date when they were included within the municipality specifying also such dates ;
- (c) the total area of land belonging to members of agricultural tribes now in the municipality of Pind Dadan Khan ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) The total area of agricultural land in Pind Dadan Khan belonging to members of notified agricultural tribes was 5,168 acres on 8rd December, 1885, the date on which it was made a municipal committee.

(b) Yes. The total area of land belonging to members of notified agricultural tribes in the villages declared to be within the limits of the municipality, was 2,610 acres on 8rd December, 1885.

(c) The total area of land belonging to members of agricultural tribes now included in the municipality of Pind Dadan Khan is 3,056 acres.

KHAN SAHIB DR. NOOR MUHAMMAD, MUNICIPAL COMMISSIONER,
LUDHIANA.

***3621. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

(a) whether he has received a complaint against Khan Sahib Dr. Noor Muhammad, a nominated Municipal Commissioner of Ludhiana Municipality, for flagrant abuse of his position as Municipal Commissioner, by one Lala Mansa Ram Kalsi, Government Contractor, mohalla Rupa Mistri, Ludhiana ;

(b) if the reply is in the affirmative, what action he has taken or contemplates to take on this complaint ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) No action was taken as *inter alia* the complaint was not submitted through the proper channel of correspondence.

SYED SADIQ ALI SHAH, EXTRA ASSISTANT COMMISSIONER.

***3622. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

(a) if he has received a poster in Urdu, dated 18th August 1934, headed as " Opinion of the Ludhiana Public and Syed Sadiq Ali Shah, Extra Assistant Commissioner's transfer " by one Mr. Hassan Latifi, B.A., Journalist, Ludhiana ;

(b) (i) if so, whether he has made any enquiries regarding the allegations contained therein ;

(ii) if not whether he intends to make an enquiry, independent or otherwise ?

Mr. C. C. Garbett (Chief Secretary) : (a) and (b) (i).—Yes.

(b) (ii).—Does not arise.

EXECUTIVE OFFICER, LUDHIANA MUNICIPALITY.

***3623. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government lay on the table a statement showing the number of employees taken in service of the Ludhiana Municipality, community-

[Shrimati Lekhwati Jain.]

wise, by the present Executive Officer of the Ludhiana Municipality according to the powers conferred upon him by the Executive Officer Act, since his assumption of duty ?

The Honourable Dr. Gokul Chand Narang :—

Muslims	49
Hindus	115, including 106 sweepers.
Sikh	1

EXECUTIVE OFFICER, LUDHIANA MUNICIPALITY.

***3624. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please—

(i) lay on the table inspection note, dated 17th June 1934, on the Ludhiana Municipality by Mr. Sant Ram Varma, M.A., P.C.S., late officer in charge, Local Bodies, Ludhiana district, and Annual Report for the year 1933-34 of Ludhiana Municipality by its President submitted to the Local Government through the Deputy Commissioner, Ludhiana ; and

(ii) state if he intends to permit the said Executive Officer to continue in office in the light of views expressed by the officer in charge, Local Bodies, Ludhiana district and by the President of the Ludhiana Municipality ?

The Honourable Dr. Gokul Chand Narang : (i) The documents are more or less of a confidential nature and are in any case too lengthy and it is not considered to be in the public interest to lay them on the table.

(ii) The question will be considered.

REMOVAL OF DISQUALIFICATION FOR ELECTION TO ASSEMBLY.

***3625. Chaudhri Afzal Haq :** Will the Honourable Revenue Member please state—

(a) whether any person having undergone more than one year's imprisonment has submitted an application to remove his disqualification for purposes of election to the Legislative Assembly ;

(b) what action, if any, has been taken on such applications ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan :
(a) Only one application for the removal of disqualification was received.

(b) The Governor General in Council has been pleased to remove the disqualification.

Chaudhri Afzal Haq : Who was that gentleman ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I think it was S. Mangal Singh.

GHAZI ABDUR RAHMAN OF AMRITSAR.

***3626. Chaudhri Afzal Haq :** Will the Honourable Member for Finance be pleased to state—

- (a) whether it is a fact that Ghazi Abdur Rahman of Amritsar is not allowed to take part in political meetings ;
- (b) whether this prohibitory order does not apply to meetings in connection with the election campaign ;
- (c) whether the Government is considering the desirability of taking back the orders referred to in part (a) of the question ?

The Honourable Mr. D. J. Boyd : (a) No.

(b) and (c) Do not arise.

DISTILLERY AT AMRITSAR.

***3627. Chaudhri Afzal Haq :** Will the Honourable Minister for Agriculture please state—

- (a) whether it is a fact that a distillery is situated quite near the city precincts of Amritsar ;
- (b) whether it is a fact that very bad odour comes from the distillery and spreads in the city ;
- (c) whether it is a fact that time and again the citizens of Amritsar have protested against the present site of the distillery and requested for its removal from its present site ;
- (d) whether it is a fact that no step has been taken in this respect ;
- (e) whether the Government is now considering the desirability of taking necessary steps in order to remove the distillery away from the city at once ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) It is a fact that smell, which many residents in the immediate vicinity regard as offensive, does issue at present from the distillery.

(c) Government did receive representations from the municipal committee requesting the removal of the distillery from its present site.

(d) and (e) The facts are that on receipt of the municipal committee's protests Government offered to have the distillery removed to Verka provided the municipal committee paid for the cost of the removal. To this the municipal committee did not agree. An arrangement is now, however, being considered under which the management of the distillery will pump the effluent into the high level drain, which latter the committee would enlarge at its own expense. This arrangement would, it is hoped, remove the complaint of the residents of the locality.

INQUIRY INTO THE LEAKAGE OF INFORMATION re GOVERNMENT
DEPARTMENTS TO PRESS.

***3628. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) whether the Heads of Government Departments approach the C.I.D. Police to trace those people who send information to the Press with regard to the working of Government Departments ;
- (b) if so, which heads of the departments requested the C. I. D. officers to trace such people in the year 1934 ;
- (c) whether the Government does not approve of the healthy criticism of the departments in the Press ?

The Honourable Mr. D. J. Boyd : (a) No.

(b) Does not arise.

(c) Government approves of healthy criticism but cannot condone a breach of Rule 17 of the Government Servants' Conduct Rules.

DAILY NEWSPAPERS IN THE PROVINCE.

***3629. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) the number of daily newspapers in the province ;
- (b) the circulation of each ;
- (c) whether security has been demanded from any of these papers in 1934 ?

The Honourable Mr. D. J. Boyd : (a) 43.

(b) A statement is laid on the table.

(c) Yes. Five up to September 30th.

Shaikh Muhammad Sadiq : May I know what is the source of the information in answer to part (b) of the question ?

The Honourable Mr. D. J. Boyd : I understand that Government consults the Postmaster-General.

Shaikh Muhammad Sadiq : Does it take into consideration private sale ? What about the copies sold by hand ?

The Honourable Mr. D. J. Boyd : We get our information as best as we can. I would not say that it is absolutely accurate.

Shaikh Muhammad Sadiq : Is it only the post office from where you know ?

The Honourable Mr. D. J. Boyd : The papers themselves are asked for a return which is checked by other means at our disposal.

Shaikh Muhammad Sadiq : Was information in this case asked for from the newspapers ?

The Honourable Mr. D. J. Boyd : It was taken from the newspapers and checked by other means, not only from the post office.

List of Daily newspapers published in the Punjab during the year 1934, with their circulation (upto 30th September 1934).

1	2	3	4	5
Serial No.	Name of Newspaper.	Place of publication.	Reported circulation.	REMARKS.
ENGLISH.				
1	Civil and Military Gazette	Lahore ..	12,000	Circulation not known so far.
2	Daily Herald ..	Do. ..	5,000	
3	Daily Mail ..	Do. ..	..
4	Eastern Times ..	Do. ..	1,300	
5	Tribune ..	Do. ..	15,000	
URDU.				
6	Azad ..	Lahore ..	3,500	Paper ceased publication from 4th March 1934.
7	Adal ..	Sialkot ..	500	
8	Al-Jehad ..	Jullundur ..	500	Only one issue has appeared so far.
9	Bande Mataram ..	Lahore ..	3,000	
10	Bharat Milap..	Do. ..	1,000	
11	Beopar Samachar ..	Amritsar ..	550	
12	Bekar ..	Lahore ..	500	
13	Evening News ..	Do. ..	500	No issue after 23rd August 1934.
14	Election ..	Multan ..	500	Only 4 issues have appeared so far.
15	Daily Guru Ghantal ..	Lahore ..	2,500	Paper ceased publication from 20th January 1934.
16	Hindustan ..	Do. ..	..	Circulation not known so far.
17	Ihsan ..	Do. ..	..
18	Inqilab ..	Do. ..	3,475	Ditto.
19	Intiqam ..	Jullundur ..	..
20	Insan ..	Sialkot ..	500	Circulation not known so far.
21	Ittihad ..	Jullundur ..	500	No issue after 13th September 1934.
22	Insaf ..	Sialkot ..	500	

[Hon'ble Mr. Boyd.]

1	2	3	4	5
Serial No.	Name of Newspaper.	Place of publication.	Reported circulation.	REMARKS.
URDU—concl'd.				
23	Leader	Lahore ..	500	Only two issues have appeared so far.
24	Milap	Do. ..	11,225	
25	Mujahid	Do. ..	700	No issue after 3rd August 1934.
26	Naqib	Gujranwala ..	850	No issue after 22nd February 1934.
27	Pratap	Lahore ..	11,225	
28	Punjab Daily News ..	Do. ..	..	Circulation not known. Only one issue has appeared so far.
29	Rahbar	Sialkot ..	500	
30	Siyasat	Lahore ..	1,600	
31	Simla Samachar ..	Simla ..	1,000	Circulation not known so far.
32	Shamas	Multan ..	..
33	Tiryaq	Lahore ..	1,000	No issue after 15th July 1934.
34	Tajar	Do. ..	..	Circulation not known so far.
35	Taqat	Sialkot ..	600	
36	Vir Bharat	Lahore ..	2,500	
37	Vishwa Pratap ..	Do. ..	1,000	
38	Zamindar	Do. ..	3,280	No issue after 11th September 1934.
39	Zam Zam	Multan ..	500	
GUERUKHI.				
40	Akali Patrika ..	Lahore ..	2,300	
41	Sikh Sewak ..	Amritsar ..	1,800	
HINDI.				
42	Hindi Milap ..	Lahore ..	5,000	Paper ceased publication from 29th January 1934, on account of demand of security.
43	Prabhat	Do. ..	1,500	

COMMUNAL AWARD.

***3630. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) whether the Government of India asked the opinion of Local Government on the subject of Communal Award ;
- (b) what opinion Government expressed on this subject ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (b) As it is not in the public interest to disclose correspondence with the Government of India, I regret I cannot answer this question.

EXEMPTION OF SWORD.

***3631. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) the names of those districts where sword is not exempted from the operation of the Arms Act ;
- (b) why in certain districts the sword is still unexempted ;
- (c) whether Government intends to exempt the sword from the operation of the Arms Act throughout the province ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Karnal, Ferozepore, Lahore, Amritsar, Multan and Rawalpindi.

- (b) Government consider it dangerous to exempt swords in these districts.
- (c) Not at present.

KARNAL MUNICIPALITY.

***3632. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the population strength and voting strength of the Karnal Municipality is about 70 per cent. Hindus and 30 per cent. Muhammadans ;
 - (b) whether it is a fact that the present strength of elected members of this municipality is 7 Hindus and 5 Muhammadans ;
 - (c) whether it is a fact that at present 2 Muhammadans and one Hindu are nominated to this committee, thus making the total strength of the municipality ;
- | | |
|-------------|---|
| Hindus | 8 |
| Muhammadans | 7 |
| Official | 1 |
- (d) whether the facts regarding the present representation of the Hindus have been brought to the notice of the Government by the people of Karnal ;
 - (e) if so, what action has the Government been pleased to take in the matter ?

The Honourable Dr. Gokul Chand Narang : (a) No.

(b) Yes.

(c) Yes.

(d) Yes.

(e) The facts have been brought to the notice of the Commissioner, with whom the appointments in this second class municipality rest.

MAXIMUM OUTPUT OF MANDI HYDRO-ELECTRIC SCHEME.

***3633. Sardar Sahib Sardar Gurbachan Singh :** (i) Will the Honourable Minister for Local Self-Government please state—

- (a) the maximum output in kilowatts for which the generators installed at the first stage of Mandi Hydro-Electric Scheme are designed ;
 - (b) the maximum output in kilowatts at which they are worked at present ;
 - (c) whether the whole energy now generated is being consumed ;
 - (d) if the answer to (c) be in the negative, how much of the power remains unemployed ;
- (ii) Will the Honourable Minister please also state whether it is a fact that Government is suffering a great loss by not working all the turbines in the first stage of the Mandi Hydro-Electric Scheme ?

The Honourable Dr. Gokul Chand Narang : (i) (a) The installed peak capacity of the generators at the Joginder Nagar Power House is 36,000 kW.

(b) The peak load output at present is 3,500 kW. the total connected load up to the week ending 25th August 1934 being 6,095 kW. The load applied for is 16,190 kW. The load anticipated when the new lines are complete is 32,200 kW.

(c) Yes.

(d) Does not arise.

(ii) No. The scheme is picking up load at a satisfactory rate of progress and it is expected that the whole project in the present stage will be loaded up in 1938-39.

ELECTRIC WIRING IN LUDHIANA TOWN.

***3634. Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Minister for Local Self-Government kindly state whether it is a fact that electric wiring, etc., in Ludhiana town was taken up by the Government itself ? If so, will he please state—

- (a) when the work was taken in hand ;
- (b) how long it has taken to complete ;
- (c) if the work is not yet completed, when it is expected to be completed ;
- (d) the causes for the delay ?

The Honourable Dr. Gokul Chand Narang : Reticulation in the town of Ludhiana was done by the Government contractors and not by the Department itself. Supply in the town was commenced on 15th June 1934.

(b), (c) and (d) do not arise.

ENERGY TAKEN BY THE JULLUNDUR ELECTRIC SUPPLY COMPANY.

***3635. Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Minister for Local Self-Government please state if the energy from the Mandi Hydro-Electric Scheme has been taken by the Jullundur Electric Supply Company ; if so, since when ; if not, why not ?

The Honourable Dr. Gokul Chand Narang : The Jullundur Electric Supply Company has not so far taken supply from the Mandi Hydro-Electric Scheme. Negotiations are in progress and it is hoped that an agreement will be concluded in due course.

Sardar Sahib Sardar Gurbachan Singh : Is it not possible to give electricity to agriculturists, because Government is certainly running a loss by carrying all these towers and that line up to Jullundur and not giving electricity to agriculturists.

The Honourable Dr. Gokul Chand Narang : Theoretically possible but financially impracticable.

ELECTRIC POWER FOR AGRICULTURAL PURPOSES.

***3636. Sardar Sahib Sardar Gurbachan Singh :** With reference to the resolution passed by this Council on 23rd March 1933 that the electric power from the Mandi Hydro-Electric Scheme be supplied to zamindars for agricultural purposes at concession rates, will the Honourable Minister for Local Self-Government please state—

(a) the number, names and places of the zamindars to whom electricity from this scheme has been supplied at concession rates ;

(b) if the answer to (a) be in the negative, what steps the Government have so far taken to put into effect the wishes of the Council contained in the resolution above referred to ?

The Honourable Dr. Gokul Chand Narang : (a) No special rates for the supply of electricity to zamindars have yet been fixed and no specifically rural supply schemes are actually operating so far. Wherever power is being delivered zamindars can of course be supplied at tariff rates which include reduced rates for motive power as opposed to power for fans and lights.

(b) A large number of rural supply schemes are under investigation. An estimate has been sanctioned for supply in the Phillaur-Goraya-Boparai-Phagwara area and sanction has been given for the drawing up of detailed estimates for Manauwala, Jallo, Attari and Majitha, others will follow. An officer has been placed on special duty to enquire into and report on the possibilities of irrigation by electric lift in certain areas served by the existing system.

Sardar Sahib Sardar Gurbachan Singh : May I know who are those officers and which places have been investigated and the names of the officers ?

The Honourable Dr. Gokul Chand Narang : Rai Bahadur Natha Singh and Rai Sahib Priya Das Tandon have been engaged on this work.

No.	Name of Project.	Towns and Villages involved.
PRELIMINARY INVESTIGATIONS COMPLETED.		
10	Suchetgarh and Sochanian ..	(Between Dhariwal and Batala).
11	Shahdara Sharakpur ..	Kot Mahibbo, Jia Musa, Faizpur Khurd, Burj Atari, Kalal, Dhamke, Naranjni, Kot Mahmud, Issa and Sharakpur.
12	Jallo-Atari ..	Jallo and Atari.
13	Majitha-Fatehgarh Churian ..	Tungbala, Nangli, Nag Kalan, Sohian Kalan, Majitha, Bhoma, Vadala Virum and Fatehgarh Churian.
14	Alawalpur ..	Jandu Singha, Dhogri, Alawalpur and Adampur.
15	Jhugian-Bhattianwala ..	Bhattianwala, Mandhiali, Karianwala, Akbar Shah, Missan, Thatta Sunaran, Dera, Momanpura, Jhugian, Sharakpur Khurd, Abul Khair, Dher, Thatta Khuda Yar, Bhulleandran and Faizpur Khurd.
16	Phillaur Rural East ..	Not decided.
17	Lahore, Amritsar, Patti, Kasur ..	Not decided.

RELIGION OF PATIENTS IN CIVIL DISPENSARIES.

***3638. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

(a) whether it is a fact that the patients going to the Civil dispensaries are required to state their religion to be recorded in the register and on the patient's ticket ;

(b) if so, what is the object of so recording ; whether any communal consideration plays any part in the attendance on patients in the hospitals ;

(c) whether any community has in the past requested the Government that the caste of the patients should be recorded in the hospital register and on the patient's ticket ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) To facilitate the maintenance of statistics regarding the incidence of disease among the various communities. There is no question of any differentiation in the matter of treatment and attendance between patients according to the community to which they belong.

(c) In 1931 a representation was received by the local Government that Sikhs should be distinguished from Hindus on their medical history sheets and in the statistical registers.

Sardar Bahadur Sardar Buta Singh : What are those certain places in which irrigation by lift is being investigated?

The Honourable Dr. Gokul Chand Narang : The names have already been mentioned.

PROJECT ENGINEER.

***3637. Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Minister for Local Self-Government please state—

- if a project engineer was appointed by the Electricity Branch to make plans for wiring the countryside ;
- the number and names of the places for which he has prepared plans ;
- how many of them have been given effect to and the work completed, if any ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) The required information is given in the list laid on the table.

(c) Nos. 1 to 8 of the list referred to in (b) above have been approved by Government. No work has yet been completed.

List referred to in (b) and (c).

No.	Name of Project.	Towns and villages involved.
PROJECTS COMPLETED AND UNDER CONSTRUCTION.		
1	Phillaur-Goraya-Phagwara	Phillaur, Goraya and Boparai. (Phagwara still under consideration).
2	Sadar Bazar, Lahore Cantonments	Sadar Bazar.
3	Ichhra	Ichhra.
PROJECTS UNDER COMPLETION.		
4	Khem Karan	Khem Karan.
5	Qadian	Qadian.
PROJECTS IN DESIGN STAGE.		
6	Chak Jhumra	Chak Jhumra.
7	Dharamsala	Lower Dharamsala.
8	Kartarpur	Kartarpur.
PROJECTS NOW UNDER SURVEY.		
9	Phillaur Rural West	Dalewal, Muthiada Kalan, Rurka Kalan, Pasla, Bilga, Partabpura and Mao, Taiwan, Bundala, Nurmahal, Kot Badal Khan, Churkha, Burki, Sarhali, Dhanipind, Samrai, Jandiala and several small places.

SUB-REGISTRARS, KASUR.

***3639. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- the names of those gentlemen who have served as Sub Registrars at Kasur, since the creation of the post ;
- whether any Hindu has ever held that post ;
- whether the present Sikh Sub-Registrar is about to retire ;
- how Government intends to fill the post when it falls vacant ?

The Honourable Dr. Gokul Chand Narang : (a) (i) Khan Bahadur Munshi Kadar Bakhsh ;

(ii) Khan Bahadur Hafiz Ilahi Bakhsh ;

(iii) Khan Ghulam Hussain Khan ;

(iv) Syed Ahmad Shah, and

(v) (Present incumbent) Risaldar-Major (Honorary Captain) Sardar Lakha Singh, Sardar Bahadur, O.B.I.

(b) No.

(c) No.

(d) Does not arise.

NAZUL LAND NEAR TOWN HALL, KASUR.

***3640. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member please state—

- whether a plot of nazul land near the Town Hall, Kasur, was leased out to one Mian Mohammad Amin Gora ;
- the period and date of such lease ;
- whether it is a fact that the whereabouts of the said lessee are not known for the last seven or eight years and that some lease money is also outstanding against his name ;
- whether it is a fact that one Amir Din Taharkiani is in possession of that land now, and when he applied for it being leased out to him the tahsildar remarked on his application that this possession was illegal and recommended for its lease being given to another applicant ;
- if the answer to (c) above be in the affirmative, what steps are the authorities taking to oust the said Amir Din ?

The Honourable Captain Sardar Sir Sikander Hyat Khan :

(a) Yes.

(b) The lease is for 20 years commencing from the 1st April 1916.

(c) Yes, a sum of Rs. 62-8-0 is outstanding against the lessee.

(d) It is not in the public interest to give the information required.

(e) The case is pending in Lahore.

OBJECTIONABLE POEM IN DAILY *Siyasat*.

***3641. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (a) whether the attention of the Government has been drawn to an Urdu poem published in the Urdu daily "*Siyasat*," dated 13th September 1934, under the heading "*Sheikh ka Aghwa*";
- (b) whether the Government is aware that the said poem is highly provocative and insulting to the Hindu womanhood and has offended the entire Hindu community;
- (c) whether it is a fact that the entire Hindu press in the Punjab has been agitating and some of the papers have threatened that if no action is taken against the paper concerned they will publish similar poems against Muhammadan women;
- (d) whether it is also a fact that some of the Muslim papers like the "*Zamindar*" have also condemned this poem.
- (e) whether any note was sent by the Press Branch to Local Government concerning this poem, if so when and whether he will lay a copy of it on the table of the Council;
- (f) if not, what action Government proposes to take against the officer in charge, whose duty it is to report such offensive articles to the notice of the Government.
- (g) what action Government proposes to take against the paper, its publisher, printer and editor;
- (h) if not, why not?

The Honourable Mr. D. J. Boyd : (a), (c) and (d) Yes.

(b) This view has been taken by the Hindu Press.

(e) The officer concerned submitted his report on the very day the issue containing the offensive poem was published. The report being confidential it would not be in the public interest to lay it on the table.

(f) Does not arise.

(g) A security of Rs. 500 each has been demanded from the publisher of the paper and the keeper of the press at which it is printed.

(h) Does not arise.

PROFESSIONAL OR HAISYAT TAX IN AMBALA.

***3642. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether any professional or haisyat tax is levied in the Ambala district by the district board;
- (b) whether it is a fact that some of the assesses have been taxed for two years 1932-33 and 1934;
- (c) whether Government has received any memorial in this respect from the assesses of Khizrabad and Khadri in the Ambala district praying for postponement of this tax or allowing payment by means of instalments;

[Shrimati Lekhwati Jain.]

- (d) whether it is a fact that the appeal cards were issued from the office of the District Board actually after the time for filing the appeals had expired ;
- (e) whether it is a fact that many of the assesseees have been deprived of the right of appeal on account of the negligence of the district board authorities ;
- (f) what Government proposes to do to give the assesseees the right of appeal which they have thus lost ;
- (g) whether it is a fact that the proper authority for assessing tax is the zail committee ;
- (h) whether it is a fact that taxes assessed by the zail committee have been enhanced by the tahsil sub-committee ;
- (i) if so, what is the use of having a zail committee ?

The Honourable Dr. Gokul Chand Narang : (a) Yes. Haisiyat tax.

(b) The assessments for 1932-33 and 1933-34 were made simultaneously (for the whole district).

(c) Yes.

(d), (e) and (f) The limitation period for appeals in such cases is fixed by the proviso to section 72 (1) of the Punjab District Boards Act, 1888. It is understood that in the case of the Ambala haisiyat tax assessments all the demand notices (these demand notices contain a mention of the last date fixed for the presentation of an appeal) were issued within the limitation period. Out of these notices 198 remained in the first instance undelivered, owing to the absence of the assesseees from their residences or for similar reasons. The 198 notices were sent out again by post from the District Board office, with the appeal dates unchanged. The propriety of issuing revised cards in these 198 cases, with revised appeal dates, is under the Board's consideration. In any case the late receipt of a demand notice could be pleaded by an assessee desiring to appeal as a ground for an extension of the limitation period.

(g), (h) and (i) The local Government's direction in regard to the Ambala tax is that the assessments shall be made under the orders of the District Board by committees or persons appointed by the Board. Actually the Ambala Board has established three sets of committees to carry out the assessment—

Zail Committees.—To make the original assessments on the spot.

Tahsil Committees.—To hear objections against the Zail Committees' assessments and generally to scrutinize and revise those assessments.

The District Committees.—To hear objections in cases where the Tahsil Committee has enhanced the assessment made by the Zail Committee.

The number of cases in which enhancements have been made by the Tahsil Committees is very small.

FACILITIES IN UNIVERSITY EXAMINATIONS.

***3643. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education be pleased to state whether it is a fact that certain facilities, such as examination by compartment system, award of grace marks, etc., have been provided to University candidates sitting for the F.A., B.A. and M.A. examinations, while these are being denied to examinees in Oriental and Vernacular languages ?

The Honourable Malik Sir Firoz Khan Noon : The information is being obtained from the University and will be supplied to the honourable member as soon as received.

LITERACY AMONG PRISONERS IN PUNJAB JAILS.

***3644. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (a) the number of prisoners (male and female) in Punjab jails ranging between the ages of 20 and 40 years and having completed the term of two or more years of their imprisonment on 31st March 1934 ;
- (b) the number of such prisoners who have secured literacy certificate as a result of the provision of adult education in Punjab jails ?

The Honourable Mr. D. J. Boyd : The collection of the information asked for in part (a) of the question would involve a considerable amount of work, and has not been undertaken, as adult education is not provided in Punjab jails. Night classes for suitable literate prisoners are held in some jails, but no literacy certificates are given.

CANDIDATES IN THE OFFICE OF THE DISTRICT JUDGE, AMBALA.

***3645. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (i) (a) the number of candidates who were enrolled in the office of the District Judge, Ambala, after 1st April, 1930, giving their names with the date on which they were enrolled ;
- (b) whether it is a fact that the posts in the office of the District Judge are given in order of seniority ;
- (c) whether the District Judge is empowered to recruit new candidates and give them posts in supersession of the old candidates ; if so, according to which rule, regulation or notification of the High Court ;
- (ii) (a) whether it is a fact that Rai Bahadur Lala Ghanshyam Dass, the late District Judge of Ambala, employed fresh recruits in his office and gave them posts under his control in supersession of the old candidates already enlisted ;
- (b) whether it is a fact that the old candidates, whose rights were so jeopardised, made many applications and representations to the said District Judge in 1932 and 1933 for consideration of their rights ; if so, what was the order of the District Judge and whether he will lay copies of those orders on the table of the Council ;

[Shrimati Lekhwati Jain.]

- (c) whether these orders are contrary to the rules of the High Court on the subject ; if not, whether he will quote chapter and the text of those particular rules or regulations ;
- (d) whether it is a fact that the nine senior candidates being dissatisfied with the orders of the said District Judge, made representations to the Honourable High Court, Lahore ; if so, what was the action taken by the High Court on their representation ;
- (e) whether it is a fact that the Honourable High Court demanded of the District Judge that the posts be given by order of seniority and that all his previous orders should be revised ;
- (f) if so, whether the District Judge complied with the orders of the High Court ; if not, why not ;
- (g) whether the nine old and senior candidates made representations to the High Court alleging that the District Judge had been guilty of partiality and favouritism and had failed to do justice to their case ; if so, whether he will place a copy of that representation on the table of the House ;
- (h) whether it is a fact that three senior candidates, Mohammad Sharif, Brij Lal and Sita Ram working in the office for more than six years have been dismissed and the remaining six others (out of the nine who sent their representations containing quite one and the same subject) have been degraded ;
- (i) whether it is a fact that these candidates have been punished by the District Judge for making representations against his orders ;
- (j) whether it is a fact that the record of service of these dismissed candidates during the past six years has uniformly and consistently been very good to the satisfaction of officers under whom they served ;
- (k) whether it is a fact that the order of dismissal of only three senior candidates out of nine concerned has acted very harshly ;
- (l) whether Government will reconsider the case of these dismissed candidates ?

The Honourable Mr. D. J. Boyd : (a) to (l) The information is being collected and will be supplied to the honourable member when received.

RELIEF OF UNECONOMIC HOLDINGS IN HOSHIARPUR AND LUDHIANA.

***3646. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) the number of persons who have been given grant of land in Hoshiarpur and Ludhiana, on account of their uneconomic holdings in the years 1930, 1931, 1932 and 1933 ;
- (b) the area the Government have fixed for the purpose of an economic holding ;
- (c) the relief the Government is giving to those who have uneconomic holdings ?

The Honourable Captain Sardar Sir Sikander Hyat-Khan : As the sense in which the honourable member has used the term " uneconomic holdings " is not clear, it is regretted that no reply can be given.

Chaudhri Afzal Haq : That is a very clear term, this uneconomic holding.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : But these people were not given land because of their holdings being uneconomic, but on account of congestion of population which is quite a different thing.

DEBTORS OF MORTGAGE BANKS IN HOSHIARPUR AND LUDHIANA.

***3647. Chaudhri Afzal Haq :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) the number of debtors of various mortgage banks in Hoshiarpur and Ludhiana districts, who have surrendered the possession of land on account of non-payment of debt since 1930 ;
- (b) the area of land so surrendered ?

The Honourable Sardar Sir Jogendra Singh : There is no mortgage bank in the Hoshiarpur and Ludhiana districts.

PROSECUTION OF MUHAMMADANS UNDER THE SARDA ACT.

***3648. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) the number of prosecutions of Muhammadans in the Punjab under the Sarda Act during the years 1932 and 1933 ;
- (b) whether any organised body of philanthropists is facilitating the prosecutions ?

The Honourable Mr. D. J. Boyd : (a)—

In 1932	..	..	..	..	21
In 1933	..	..	..	..	27

(b) The Sarda Act Defence Committee is reported to facilitate prosecutions in Jullundur district.

ILAQAS BEIT OF HOSHIARPUR AND LUDHIANA.

***3649. Chaudhri Afzal Haq :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that ilaqas Beit of Hoshiarpur and Ludhiana are the most malarial parts of the country ;
- (b) the steps Government has taken to improve the lot of the people of those ilaqas ;
- (c) whether Government has compared the death rates for the last ten years ;

The Honourable Malik Sir Firoz Khan Noon : (a) These tracts are undoubtedly among the most malarious in the province.

[Hon'ble Sir Firoz Khan Noon.]

(b) In the Hoshiarpur Beit the following special measures are being taken to reduce water-logging and the incidence of malaria :—

- (i) A scheme is under preparation in the Irrigation Department for the straightening of the Bain ;
- (ii) Sluice gates have been erected to control the supply of water from the Shah Nahar, and proposals are in train to extend the Punjab Minor Canals Act, 1905, to the various other small canals which cause water-logging in the area ;
- (iii) Steps are being taken to ensure that the drainage channels are kept clear of obstructions and silt.

Some Rs. 1,28,000 has been spent, at the suggestion of the Public Health Department, on improving the Budha Nala in the Ludhiana district. A further eighty thousand rupees is now being expended on the same object. Free quinine is regularly distributed in those areas. The Ludhiana District Board is intending to open a rural dispensary at Mattiwara as soon as financial conditions permit, and designs ultimately to establish two other dispensaries in the Beit.

(c) The Beit tracts of the Ludhiana and Hoshiarpur districts are not distinct areas with recognised boundaries for the purpose of vital statistics ; but it is believed that the death rate in these tracts is considerably above the provincial average.

EXTRA ASSISTANT COMMISSIONERS FROM LUDHIANA DISTRICT.

***3650. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) the number of Extra Assistant Commissioners who belong to the agricultural tribes of Ludhiana, Hoshiarpur and Jullundur ;
- (b) whether it has been brought to the notice of the Government that very few Extra Assistant Commissioners are recruited from the districts mentioned in part (a) of the question ?

Mr. C. C. Garbett (Chief Secretary) : (a) 15.

(b) No. If anything, these districts have more than their share on the basis of population, which, however, is not regarded as a working test.

LAND GRANTS IN LUDHIANA AND HOSHIARPUR DISTRICTS.

***3651. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) whether any free grant has been given to those whose lands were washed away by the river in Ludhiana and Hoshiarpur districts in 1933 and 1934 ;
- (b) the area allotted to each individual ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No.

(b) Does not arise.

DEBT OF AGRICULTURISTS IN MUZAFFARGARH, MULTAN AND MIANWALI DISTRICTS.

***3652. Chaudhri Afzal Haq :** Will the Honourable Revenue Member please state—

- (a) the total amount of debt of agriculturists in Muzaffargarh Multan and Mianwali districts;
- (b) what special steps Government is taking to remove the indebtedness in these districts?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The answer to this question is not yet ready. The information is being collected and will be communicated to the honourable member when ready.

ROADS IN ILAQA BEIT, LUDHIANA.

***3653. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that in *ilaga* Beit, Ludhiana district, there is a general complaint that roads are in a bad condition;
- (b) what steps Government has taken to improve the condition of the roads;
- (c) whether Government is contemplating to move the District Board to improve the roads in *ilaga* Beit, Ludhiana?

The Honourable Dr. Gokul Chand Narang : (a) Government are not aware of any general complaints on the subject. There are no first class roads in the area in question and only one second class road (unmetalled), namely, that from Ludhiana to Mattewara.

(b) An estimate for metalling the Ludhiana-Mattewara road has been approved by the Communications Board, which has promised to contribute 50 per cent. of the cost.

(c) Government do not propose to issue any special orders.

UNECONOMIC HOLDINGS AND LAND REVENUE RATES.

***3654. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) the rates of various agricultural produce in the year 1917 in Hoshiarpur and Ludhiana districts;
- (b) the prevailing rates of agricultural produce at present in both the districts;
- (c) whether it is a fact that there are uneconomic holdings throughout the districts;
- (d) whether the Government is considering the desirability of reducing the land revenue in proportion of disparity between the two rates, so far as the uneconomic holdings are concerned?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (b) The attention of the honourable member is invited to Part I of the Supplement to the *Punjab Government Gazette* in which wholesale and retail prices of food-grains are published fortnightly.

[Hon'ble Sir Sikander Hyat-Khan.]

(c) The term "uneconomic holdings" as used by the honourable member is not clear, and hence it is regretted that the information cannot be supplied.

(d) There is no proposal before Government for discriminating in the manner suggested in favour of "uneconomic holdings."

HONORARY MAGISTRATES.

***3655. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

(a) whether there is any honorary magistrate in the province against whom, when appointed, Government received no complaints from his *ilaga* ;

(b) if there is no such honorary magistrate, whether the Government is contemplating the desirability of ending this institution ?

The Honourable Mr. D. J. Boyd : (a) Yes. Many.

(b) Does not arise.

GOVERNMENT POULTRY SCHOOL.

***3656. Chaudhri Afzal Haq :** Will the Honourable Minister for Agriculture be pleased to state—

(a) whether it is a fact that Government Poultry School is becoming unpopular, and few students now join the school ;

(b) the cause of its unpopularity ?

The Honourable Sardar Sir Jogendra Singh : (a) There is no indication that the course of instruction at the Gurdaspur Poultry Farm is unpopular. On the contrary, 23 applications for admission to a course this cold weather have already been received, although so far no announcement has issued that any course will be held.

(b) Does not arise.

UNSTARRED QUESTIONS AND ANSWERS.

COMMUNALISM IN LAHORE HIGH COURT.

961. Chaudhri Allah Dad Khan : Will the Honourable Finance Member kindly state—

(a) whether the attention of the Government has been drawn to two articles which appeared in the " Weekly Mail ", Lahore, dated the 24th July and 14th August 1933, respectively, headed " Communalism in Lahore High Court—conclusive evidence as furnished by facts and figures—Paucity of Muslims in clerical establishment " ;

(b) the reasons for the poor representation of the Muslims in the departments and offices of the Administration of Justice in the Punjab ;

ENERGY TAKEN BY THE JULLUNDUR ELECTRIC SUPPLY COMPANY.

***3635. Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Minister for Local Self-Government please state if the energy from the Mandi Hydro-Electric Scheme has been taken by the Jullundur Electric Supply Company ; if so, since when ; if not, why not ?

The Honourable Dr. Gokul Chand Narang : The Jullundur Electric Supply Company has not so far taken supply from the Mandi Hydro-Electric Scheme. Negotiations are in progress and it is hoped that an agreement will be concluded in due course.

Sardar Sahib Sardar Gurbachan Singh : Is it not possible to give electricity to agriculturists, because Government is certainly running a loss by carrying all these towers and that line up to Jullundur and not giving electricity to agriculturists.

The Honourable Dr. Gokul Chand Narang : Theoretically possible but financially impracticable.

ELECTRIC POWER FOR AGRICULTURAL PURPOSES.

***3636. Sardar Sahib Sardar Gurbachan Singh :** With reference to the resolution passed by this Council on 23rd March 1933 that the electric power from the Mandi Hydro-Electric Scheme be supplied to zamindars for agricultural purposes at concession rates, will the Honourable Minister for Local Self-Government please state—

- (a) the number, names and places of the zamindars to whom electricity from this scheme has been supplied at concession rates ;
- (b) if the answer to (a) be in the negative, what steps the Government have so far taken to put into effect the wishes of the Council contained in the resolution above referred to ?

The Honourable Dr. Gokul Chand Narang : (a) No special rates for the supply of electricity to zamindars have yet been fixed and no specifically rural supply schemes are actually operating so far. Wherever power is being delivered zamindars can of course be supplied at tariff rates which include reduced rates for motive power as opposed to power for fans and lights.

(b) A large number of rural supply schemes are under investigation. An estimate has been sanctioned for supply in the Phillaur-Goraya-Boparai-Phagwara area and sanction has been given for the drawing up of detailed estimates for Manauwala, Jallo, Attari and Majitha, others will follow. An officer has been placed on special duty to enquire into and report on the possibilities of irrigation by electric lift in certain areas served by the existing system.

Sardar Sahib Sardar Gurbachan Singh : May I know who are those officers and which places have been investigated and the names of the officers ?

The Honourable Dr. Gokul Chand Narang : Rai Bahadur Natha Singh and Rai Sahib Priya Das Tandon have been engaged on this work.

Sardar Bahadur Sardar Buta Singh : What are those certain places in which irrigation by lift is being investigated?

The Honourable Dr. Gokul Chand Narang : The names have already been mentioned.

PROJECT ENGINEER.

***3637. Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Minister for Local Self-Government please state—

- (a) if a project engineer was appointed by the Electricity Branch to make plans for wiring the countryside;
- (b) the number and names of the places for which he has prepared plans;
- (c) how many of them have been given effect to and the work completed, if any?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) The required information is given in the list laid on the table.

(c) Nos. 1 to 3 of the list referred to in (b) above have been approved by Government. No work has yet been completed.

List referred to in (b) and (c).

No.	Name of Project.	Towns and villages involved.
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PROJECTS COMPLETED AND UNDER CONSTRUCTION.

1	Phillaur-Goraya-Phagwara	Phillaur, Goraya and Boparai. (Phagwara still under consideration).
2	Sadar Bazar, Lahore Cantonments	Sadar Bazar.
3	Ichhra	Ichhra.

PROJECTS UNDER COMPLETION.

4	Khem Karan	Khem Karan.
5	Qadian	Qadian.

PROJECTS IN DESIGN STAGE.

6	Chak Jhumra	Chak Jhumra.
7	Dharansala	Lower Dharansala.
8	Kartarpur	Kartarpur.

PROJECTS NOW UNDER SURVEY.

9	Phillaur Rural West	Dalewal, Muthiada Kalan, Rurka Kalan, Pasla, Bilga, Partabpura and Mao, Talwan, Bundala, Nurmahal, Kot Badal Khan, Churkha, Burki, Sarhali, Dhanipind, Samrai, Jandiala and several small places.
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No.	Name of Project.	Towns and Villages involved.
PRELIMINARY INVESTIGATIONS COMPLETED.		
10	Suchetgarh and Sochanian ..	(Between Dhariwal and Batala).
11	Shahdara Sharakpur ..	Kot Mahibbo, Jia Musa, Faizpur Khurd, Burj Atari, Kalal, Dhamke, Naranjni, Kot Mahmud, Isan and Sharakpur.
12	Jallo-Atari ..	Jallo and Atari.
13	Majitha-Fatehgarh Churian ..	Tungbala, Nangli, Nag Kalan, Sohian Kalan, Majitha, Bhoma, Vadala Virum and Fatehgarh Churian.
14	Alawalpur ..	Jandu Singha, Dhogri, Alawalpur and Adampur.
15	Jhugian-Bhattianwala ..	Bhattianwala, Mandhiali, Karianwala, Akbar Shah, Missan, Thatta Sunaran, Dera, Momanpura, Jhugian, Sharakpur Khurd, Abul Khair, Dher, Thatta Khuda Yar, Bhulleandrun and Faizpur Khurd.
16	Phillaur Rural East ..	Not decided.
17	Lahore, Amritsar, Patti, Kasur ..	Not decided.

RELIGION OF PATIENTS IN CIVIL DISPENSARIES.

***3638. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that the patients going to the Civil dispensaries are required to state their religion to be recorded in the register and on the patient's ticket ;
- (b) if so, what is the object of so recording ; whether any communal consideration plays any part in the attendance on patients in the hospitals ;
- (c) whether any community has in the past requested the Government that the caste of the patients should be recorded in the hospital register and on the patient's ticket ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) To facilitate the maintenance of statistics regarding the incidence of disease among the various communities. There is no question of any differentiation in the matter of treatment and attendance between patients according to the community to which they belong.

(c) In 1931 a representation was received by the local Government that Sikhs should be distinguished from Hindus on their medical history sheets and in the statistical registers.

SUB-REGISTRARS, KASUR.

***3639. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) the names of those gentlemen who have served as Sub-Registrars at Kasur, since the creation of the post ;
- (b) whether any Hindu has ever held that post ;
- (c) whether the present Sikh Sub-Registrar is about to retire ;
- (d) how Government intends to fill the post when it falls vacant ?

The Honourable Dr. Gokul Chand Narang : (a) (i) Khan Bahadur Munshi Kadar Bakhsh ;

(ii) Khan Bahadur Hafiz Ilahi Bakhsh ;

(iii) Khan Ghulam Hussain Khan ;

(iv) Syed Ahmad Shah, and

(v) (Present incumbent) Risaldar-Major (Honorary Captain) Sardar Lakha Singh, Sardar Bahadur, O.B.I.

(b) No.

(c) No.

(d) Does not arise.

NAZUL LAND NEAR TOWN HALL, KASUR.

***3640. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member please state—

- (a) whether a plot of nazul land near the Town Hall, Kasur, was leased out to one Mian Mohammad Amin Gora ;
- (b) the period and date of such lease ;
- (c) whether it is a fact that the whereabouts of the said lessee are not known for the last seven or eight years and that some lease money is also outstanding against his name ;
- (d) whether it is a fact that one Amir Din Taharkiani is in possession of that land now, and when he applied for it being leased out to him the tahsildar remarked on his application that this possession was illegal and recommended for its lease being given to another applicant ;
- (e) if the answer to (c) above be in the affirmative, what steps are the authorities taking to oust the said Amir Din ?

The Honourable Captain Sardar Sir Sikander Hyat Khan :
(a) Yes.

(b) The lease is for 20 years commencing from the 1st April 1916.

(c) Yes, a sum of Rs. 62-8-0 is outstanding against the lessee.

(d) It is not in the public interest to give the information required.

(e) The case is pending in Lahore.

OBJECTIONABLE POEM IN DAILY *Siyasat*.

***3641. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (a) whether the attention of the Government has been drawn to an Urdu poem published in the Urdu daily "*Siyasat*," dated 18th September 1984, under the heading "*Sheikh ka Aghwa*";
- (b) whether the Government is aware that the said poem is highly provocative and insulting to the Hindu womanhood and has offended the entire Hindu community;
- (c) whether it is a fact that the entire Hindu press in the Punjab has been agitating and some of the papers have threatened that if no action is taken against the paper concerned they will publish similar poems against Muhammadan women;
- (d) whether it is also a fact that some of the Muslim papers like the "*Zamindar*" have also condemned this poem.
- (e) whether any note was sent by the Press Branch to Local Government concerning this poem, if so when and whether he will lay a copy of it on the table of the Council;
- (f) if not, what action Government proposes to take against the officer in charge, whose duty it is to report such offensive articles to the notice of the Government.
- (g) what action Government proposes to take against the paper, its publisher, printer and editor;
- (h) if not, why not?

The Honourable Mr. D. J. Boyd : (a), (c) and (d) Yes.

(b) This view has been taken by the Hindu Press.

(e) The officer concerned submitted his report on the very day the issue containing the offensive poem was published. The report being confidential it would not be in the public interest to lay it on the table.

(f) Does not arise.

(g) A security of Rs. 500 each has been demanded from the publisher of the paper and the keeper of the press at which it is printed.

(h) Does not arise.

PROFESSIONAL OR HAI SYAT TAX IN AMBALA.

***3642. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether any professional or haisyat tax is levied in the Ambala district by the district board;
- (b) whether it is a fact that some of the assesseees have been taxed for two years 1982-83 and 1984;
- (c) whether Government has received any memorial in this respect from the assesseees of Khizrabad and Khadri in the Ambala district praying for postponement of this tax or allowing payment by means of instalments;

[Shrimati Lekhwati Jain.]

- (d) whether it is a fact that the appeal cards were issued from the office of the District Board actually after the time for filing the appeals had expired ;
- (e) whether it is a fact that many of the assesseees have been deprived of the right of appeal on account of the negligence of the district board authorities ;
- (f) what Government proposes to do to give the assesseees the right of appeal which they have thus lost ;
- (g) whether it is a fact that the proper authority for assessing tax is the zail committee ;
- (h) whether it is a fact that taxes assessed by the zail committee have been enhanced by the tahsil sub-committee ;
- (i) if so, what is the use of having a zail committee ?

The Honourable Dr. Gokul Chand Narang : (a) Yes. Haisiyat tax.

(b) The assessments for 1932-33 and 1933-34 were made simultaneously (for the whole district).

(c) Yes.

(d), (e) and (f) The limitation period for appeals in such cases is fixed by the proviso to section 72 (1) of the Punjab District Boards Act, 1883. It is understood that in the case of the Ambala haisiyat tax assessments all the demand notices (these demand notices contain a mention of the last date fixed for the presentation of an appeal) were issued within the limitation period. Out of these notices 198 remained in the first instance undelivered, owing to the absence of the assesseees from their residences or for similar reasons. The 198 notices were sent out again by post from the District Board office, with the appeal dates unchanged. The propriety of issuing revised cards in these 198 cases, with revised appeal dates, is under the Board's consideration. In any case the late receipt of a demand notice could be pleaded by an assessee desiring to appeal as a ground for an extension of the limitation period.

(g), (h) and (i) The local Government's direction in regard to the Ambala tax is that the assessments shall be made under the orders of the District Board by committees or persons appointed by the Board. Actually the Ambala Board has established three sets of committees to carry out the assessment—

Zail Committees.—To make the original assessments on the spot.

Tahsil Committees.—To hear objections against the Zail Committees' assessments and generally to scrutinize and revise those assessments.

The District Committees.—To hear objections in cases where the Tahsil Committee has enhanced the assessment made by the Zail Committee.

The number of cases in which enhancements have been made by the Tahsil Committees is very small.

FACILITIES IN UNIVERSITY EXAMINATIONS.

***3643. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education be pleased to state whether it is a fact that certain facilities, such as examination by compartment system, award of grace marks, etc., have been provided to University candidates sitting for the F.A., B.A. and M.A. examinations, while these are being denied to examinees in Oriental and Vernacular languages ?

The Honourable Malik Sir Firoz Khan Noon : The information is being obtained from the University and will be supplied to the honourable member as soon as received.

LITERACY AMONG PRISONERS IN PUNJAB JAILS.

***3644. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (a) the number of prisoners (male and female) in Punjab jails ranging between the ages of 20 and 40 years and having completed the term of two or more years of their imprisonment on 31st March 1934 ;
- (b) the number of such prisoners who have secured literacy certificate as a result of the provision of adult education in Punjab jails ?

The Honourable Mr. D. J. Boyd : The collection of the information asked for in part (a) of the question would involve a considerable amount of work, and has not been undertaken, as adult education is not provided in Punjab jails. Night classes for suitable literate prisoners are held in some jails, but no literacy certificates are given.

CANDIDATES IN THE OFFICE OF THE DISTRICT JUDGE, AMBALA.

***3645. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (i) (a) the number of candidates who were enrolled in the office of the District Judge, Ambala, after 1st April, 1930, giving their names with the date on which they were enrolled ;
- (b) whether it is a fact that the posts in the office of the District Judge are given in order of seniority ;
- (c) whether the District Judge is empowered to recruit new candidates and give them posts in supersession of the old candidates ; if so, according to which rule, regulation or notification of the High Court ;
- (ii) (a) whether it is a fact that Rai Bahadur Lala Ghanshyam Dass, the late District Judge of Ambala, employed fresh recruits in his office and gave them posts under his control in supersession of the old candidates already enlisted ;
- (b) whether it is a fact that the old candidates, whose rights were so jeopardised, made many applications and representations to the said District Judge in 1932 and 1933 for consideration of their rights ; if so, what was the order of the District Judge and whether he will lay copies of those orders on the table of the Council ;

[Shrimati Lekhwati Jain.]

- (c) whether these orders are contrary to the rules of the High Court on the subject ; if not, whether he will quote chapter and the text of those particular rules or regulations ;
- (d) whether it is a fact that the nine senior candidates being dissatisfied with the orders of the said District Judge, made representations to the Honourable High Court, Lahore ; if so, what was the action taken by the High Court on their representation ;
- (e) whether it is a fact that the Honourable High Court demanded of the District Judge that the posts be given by order of seniority and that all his previous orders should be revised ;
- (f) if so, whether the District Judge complied with the orders of the High Court ; if not, why not ;
- (g) whether the nine old and senior candidates made representations to the High Court alleging that the District Judge had been guilty of partiality and favouritism and had failed to do justice to their case ; if so, whether he will place a copy of that representation on the table of the House ;
- (h) whether it is a fact that three senior candidates, Mohammad Sharif, Brij Lal and Sita Ram working in the office for more than six years have been dismissed and the remaining six others (out of the nine who sent their representations containing quite one and the same subject) have been degraded ;
- (i) whether it is a fact that these candidates have been punished by the District Judge for making representations against his orders ;
- (j) whether it is a fact that the record of service of these dismissed candidates during the past six years has uniformly and consistently been very good to the satisfaction of officers under whom they served ;
- (k) whether it is a fact that the order of dismissal of only three senior candidates out of nine concerned has acted very harshly ;
- (l) whether Government will reconsider the case of these dismissed candidates ?

The Honourable Mr. D. J. Boyd : (a) to (l) The information is being collected and will be supplied to the honourable member when received.

RELIEF OF UNECONOMIC HOLDINGS IN HOSHIARPUR AND LUDHIANA.

***3646. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) the number of persons who have been given grant of land in Hoshiarpur and Ludhiana, on account of their uneconomic holdings in the years 1980, 1981, 1982 and 1983 ;
- (b) the area the Government have fixed for the purpose of an economic holding ;
- (c) the relief the Government is giving to those who have uneconomic holdings ?

The Honourable Captain Sardar Sir Sikander Hyat-Khan : As the sense in which the honourable member has used the term "uneconomic holdings" is not clear, it is regretted that no reply can be given.

Chaudhri Afzal Haq : That is a very clear term, this uneconomic holding.

The Honourable Captain Sardar Sir Sikander Hyat-Khan : But these people were not given land because of their holdings being uneconomic, but on account of congestion of population which is quite a different thing.

DEBTORS OF MORTGAGE BANKS IN HOSHIARPUR AND LUDHIANA.

***3647. Chaudhri Afzal Haq :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) the number of debtors of various mortgage banks in Hoshiarpur and Ludhiana districts, who have surrendered the possession of land on account of non-payment of debt since 1930 ;
- (b) the area of land so surrendered ?

The Honourable Sardar Sir Jogendra Singh : There is no mortgage bank in the Hoshiarpur and Ludhiana districts.

PROSECUTION OF MUHAMMADANS UNDER THE SARDA ACT.

***3648. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) the number of prosecutions of Muhammadans in the Punjab under the Sarda Act during the years 1932 and 1933 ;
- (b) whether any organised body of philanthropists is facilitating the prosecutions ?

The Honourable Mr. D. J. Boyd : (a)—

In 1932	..	..	..	..	21
In 1933	..	..	..	..	27

(b) The Sarda Act Defence Committee is reported to facilitate prosecutions in Jullundur district.

ILAQAS BEIT OF HOSHIARPUR AND LUDHIANA.

***3649. Chaudhri Afzal Haq :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that ilaqas Beit of Hoshiarpur and Ludhiana are the most malarial parts of the country ;
- (b) the steps Government has taken to improve the lot of the people of those ilaqas ;
- (c) whether Government has compared the death rates for the last ten years ;

The Honourable Malik Sir Firoz Khan Noon : (a) These tracts are undoubtedly among the most malarious in the province.

[Hon'ble Sir Firoz Khan Noon.]

(b) In the Hoshiarpur Beit the following special measures are being taken to reduce water-logging and the incidence of malaria :—

- (i) A scheme is under preparation in the Irrigation Department for the straightening of the Bain ;
- (ii) Sluice gates have been erected to control the supply of water from the Shah Nahar, and proposals are in train to extend the Punjab Minor Canals Act, 1905, to the various other small canals which cause water-logging in the area ;
- (iii) Steps are being taken to ensure that the drainage channels are kept clear of obstructions and silt.

Some Rs. 1,28,000 has been spent, at the suggestion of the Public Health Department, on improving the Budha Nala in the Ludhiana district. A further eighty thousand rupees is now being expended on the same object. Free quinine is regularly distributed in those areas. The Ludhiana District Board is intending to open a rural dispensary at Mattiwara as soon as financial conditions permit, and designs ultimately to establish two other dispensaries in the Beit.

(c) The Beit tracts of the Ludhiana and Hoshiarpur districts are not distinct areas with recognised boundaries for the purpose of vital statistics ; but it is believed that the death rate in these tracts is considerably above the provincial average.

EXTRA ASSISTANT COMMISSIONERS FROM LUDHIANA DISTRICT.

***3650. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) the number of Extra Assistant Commissioners who belong to the agricultural tribes of Ludhiana, Hoshiarpur and Jullundur ;
- (b) whether it has been brought to the notice of the Government that very few Extra Assistant Commissioners are recruited from the districts mentioned in part (a) of the question ?

Mr. C. C. Garbett (Chief Secretary) : (a) 15.

(b) No. If anything, these districts have more than their share on the basis of population, which, however, is not regarded as a working test.

LAND GRANTS IN LUDHIANA AND HOSHIARPUR DISTRICTS.

***3651. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) whether any free grant has been given to those whose lands were washed away by the river in Ludhiana and Hoshiarpur districts in 1933 and 1934 ;
- (b) the area allotted to each individual ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No.

(b) Does not arise.

DEBT OF AGRICULTURISTS IN MUZAFFARGARH, MULTAN AND MIANWALI DISTRICTS.

***3652. Chaudhri Afzal Haq :** Will the Honourable Revenue Member please state—

- (a) the total amount of debt of agriculturists in Muzaffargarh Multan and Mianwali districts;
- (b) what special steps Government is taking to remove the indebtedness in these districts?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The answer to this question is not yet ready. The information is being collected and will be communicated to the honourable member when ready.

ROADS IN ILAQA BEIT, LUDHIANA.

***3653. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that in *ilaqa* Beit, Ludhiana district, there is a general complaint that roads are in a bad condition;
- (b) what steps Government has taken to improve the condition of the roads;
- (c) whether Government is contemplating to move the District Board to improve the roads in *ilaqa* Beit, Ludhiana?

The Honourable Dr. Gokul Chand Narang : (a) Government are not aware of any general complaints on the subject. There are no first class roads in the area in question and only one second class road (unmetalled), namely, that from Ludhiana to Mattewara.

(b) An estimate for metalling the Ludhiana-Mattewara road has been approved by the Communications Board, which has promised to contribute 50 per cent. of the cost.

(c) Government do not propose to issue any special orders.

UNECONOMIC HOLDINGS AND LAND REVENUE RATES.

***3654. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) the rates of various agricultural produce in the year 1917 in Hoshiarpur and Ludhiana districts;
- (b) the prevailing rates of agricultural produce at present in both the districts;
- (c) whether it is a fact that there are uneconomic holdings throughout the districts;
- (d) whether the Government is considering the desirability of reducing the land revenue in proportion of disparity between the two rates, so far as the uneconomic holdings are concerned?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (b) The attention of the honourable member is invited to Part I of the Supplement to the *Punjab Government Gazette* in which wholesale and retail prices of food-grains are published fortnightly.

[Hon'ble Sir Sikander Hyat-Khan.]

(c) The term "uneconomic holdings" as used by the honourable member is not clear, and hence it is regretted that the information cannot be supplied.

(d) There is no proposal before Government for discriminating in the manner suggested in favour of "uneconomic holdings."

HONORARY MAGISTRATES.

***3655. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

(a) whether there is any honorary magistrate in the province against whom, when appointed, Government received no complaints from his *ilaga* ;

(b) if there is no such honorary magistrate, whether the Government is contemplating the desirability of ending this institution ?

The Honourable Mr. D. J. Boyd : (a) Yes. Many.

(b) Does not arise.

GOVERNMENT POULTRY SCHOOL.

***3656. Chaudhri Afzal Haq :** Will the Honourable Minister for Agriculture be pleased to state—

(a) whether it is a fact that Government Poultry School is becoming unpopular, and few students now join the school ;

(b) the cause of its unpopularity ?

The Honourable Sardar Sir Jogendra Singh : (a) There is no indication that the course of instruction at the Gurdaspur Poultry Farm is unpopular. On the contrary, 28 applications for admission to a course this cold weather have already been received, although so far no announcement has issued that any course will be held.

(b) Does not arise.

UNSTARRED QUESTIONS AND ANSWERS.

COMMUNALISM IN LAHORE HIGH COURT.

961. Chaudhri Allah Dad Khan : Will the Honourable Finance Member kindly state—

(a) whether the attention of the Government has been drawn to two articles which appeared in the " Weekly Mail ", Lahore, dated the 24th July and 14th August 1933, respectively, headed " Communalism in Lahore High Court—conclusive evidence as furnished by facts and figures—Paucity of Muslims in clerical establishment " ;

(b) the reasons for the poor representation of the Muslims in the departments and offices of the Administration of Justice in the Punjab ;

- (c) what steps it has taken or is likely to take to pursue its policy, disclosed by its Finance Member (Sir Geoffrey de Montmorency) on the 19th July 1927 in the Punjab Legislative Council ?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) and (c) The attention of the honourable member is drawn to paragraphs (b) and (c) of the answer already given to his question No. 920¹.

COMMUNALISM IN LAHORE HIGH COURT.

962. Chaudhri Allah Dad Khan : Will the Honourable Finance Member kindly state—

- (a) the names of the officials and the posts on the ministerial establishments of the District and Sessions Judges in the Punjab directly recruited by the High Court, Lahore ;
- (b) how many of them were directly or indirectly related to or connected with Rai Bahadur Nihal Chand, formerly Deputy Registrar, High Court, Lahore, or any other member of the staff of the High Court ;
- (c) the reasons for making such direct appointments ;
- (d) how many appeals were preferred by aggrieved officials against their supersessions, how many were rejected *in limine* and on merits and accepted ?

The Honourable Mr. D. J. Boyd : (a) It is not the practice of the Punjab Government to give names. The number of ministerial posts under the control of the High Court is shown in the Budget.

(b) The labour involved in obtaining the information required would be out of proportion to its value.

(c) The Honourable Judges have full discretion in the making of appointments to the ministerial establishments of District and Sessions Judges, and Government are not prepared to ask them for the reasons which have guided them in the use of that discretion.

(d) Unless a period is mentioned it is not possible to answer this part of the question.

LYALLPUR DISTRICT BOARD.

963. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Local Self-Government please state—

- (a) the number of teachers, community-wise, working under the District Board, Lyallpur, before and after the recent retrenchment ;
- (b) whether it is a fact that any proportion for each community has been fixed for the recruitment of fresh employees ;
- (c) if so, whether this principle has been adopted in the case of retrenchment ;
- (d) if not, why not ?

¹See Appendix B.

The Honourable Dr. Gokul Chand Narang : (a)—

		<i>Before the recent retrenchment.</i>	<i>After the retrenchment.</i>
Muslims	.. ..	1,322	1,133
Sikhs ..	.. ..	237	179
Hindus	.. ..	364	325
Christians	.. ..	6	5
		<hr/> 1,929 <hr/>	<hr/> 1,642 <hr/>

(b) No.

(c) and (d) Do not arise.

HINDU PROFESSORS OF PERSIAN AND URDU IN GOVERNMENT COLLEGES.

964. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

- how many Government Arts Colleges there are in the province ;
- the total number of professors of Persian and Urdu in such colleges ;
- the number of Hindu professors for these subjects in such colleges ;
- if the number of Hindu professors is *nil* or very small whether the Government will be prepared to take some Hindus in Government Colleges to fill such posts if qualified persons are available ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member seems to have forgotten that he asked this question only recently ; the answer has been published in Council debates for 27th June 1934¹.

COMMUNAL REPRESENTATION IN EDUCATION DEPARTMENT.

965. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

- whether it is a fact that out of eight Inspectors, inclusive of Inspectors of Training Institutions and Vernacular Education and the Assistant Director of Public Instruction, five are Muslims, one Hindu and one Sikh ;
- whether it is a fact that as against sixteen Muslim District Inspectors there are only seven Hindu district inspectors ;
- whether it is fact that out of one hundred and forty-two assistant district inspectors doing actual inspection work thirty-six are Hindus, 21 Sikhs and 85 Muslims ;
- whether it is a fact that out of five headquarter officers three are Muslims, one Hindu and no Sikh ;
- whether it is a fact that of junior superintendents and head assistants only one is a Hindu, four Muslims and no Sikh ;
- if so, what steps Government intends to take to improve the representation of non-Muslims in these services ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) Out of five divisional inspectors two are Muslims, one Hindu, one Sikh (officiating) and one European, and out of four officers at the head-quarters three are Muslims and one Hindu. It may be added for the information of the honourable member that of the officers at the head-quarters Assistant Director of Public Instruction is the only one that assists Director of Public Instruction in administration; the rest perform no administrative functions. The honourable member will perhaps be further interested to know that there was a time, about six years ago, when out of five divisional inspectors and five officers at the headquarters only two were Muslims.

(b) No. Out of twenty-nine district inspectors of schools in the Punjab fifteen are Muslims, eight Hindus, four Sikhs and two Christians.

(c) No. Out of one hundred and fifty assistant district inspectors of schools eighty-seven are Muslims, thirty-nine Hindus, twenty-three Sikhs and one Christian.

In connection with (b) and (c) the attention of the honourable member is also drawn to my answer to his Council question No. 862¹.

(e) Yes. It may, however, be added for the information of the honourable member that appointments of Head Assistants and Junior Superintendents in the office of Director of Public Instruction, Punjab, are made by promotion on the basis of seniority and record and not on communal considerations. Accordingly there was a time when for years not a single Head Assistant or Junior Superintendent in the office of Director of Public Instruction was a Muslim.

(f) The policy of Government was stated by the Honourable Finance Member in a debate in the Legislative Council on the 19th of July 1927. This is still the policy of Government and Government continue to carry out the requirements of the formula contained in the said statement of policy.

HINDU AGRICULTURIST CANDIDATES FOR THE P. C. M. S.

966. Shrimati Lekhwati Jain : Will the Honourable Minister for Education be pleased to state—

- (a) how many Hindu candidates were recommended by the Board for the P.C.M.S. this year;
- (b) how many of them were statutory agriculturists and to which tribe did they belong;
- (c) what respective position was assigned by the Board to the Hindu agriculturist candidates in the order of merit;
- (d) whether it is a fact that the candidate who was given the prior place by the Board has been rejected, while the other candidate, whom the Board considered less efficient has been accepted;
- (e) if so, the reasons for that;
- (f) in how many other cases the Honourable Minister has interfered with the decision of the Board;

[Shrimati Lekhwati Jain.]

- (g) if the Honourable Minister can thus over-ride the decision of the Board, what use there is of the Board and the expenses incurred therefor ;
- (h) if the answer to (d) be in the affirmative, what steps the Honourable Minister intends to take to undo the great hardship caused to the agriculturist candidate, who has been rejected, though he was considered better by the Board ?

The Honourable Malik Sir Firoz Khan Noon : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

CANDIDATES FOR THE P. C. M. S.

967. Shrimati Lekhwati Jain : Will the Honourable Minister for Education please state—

- (a) how many candidates for the P.C.M.S. were recommended community-wise, Muslims, Hindus, Sikhs and Christians, and how many candidates have been accepted, community-wise, Muslims, Hindus, Sikhs and Christians ;
- (b) whether it is a fact that Muslim candidates who have been accepted for the P.C.M.S. are more than those of all other communities combined ;
- (c) if so, the reasons for that ?

The Honourable Malik Sir Firoz Khan Noon : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

IMPERIAL CHEMICALS AND CONCESSIONS IN THE PUNJAB.

968. Shrimati Lekhwati Jain : Will the Honourable Member for Revenue be pleased to state—

- (a) whether the Imperial Chemicals or any other firm in Great Britain is at present negotiating with the Punjab Government through the Government of India for concession in any part of the Punjab ;
- (b) whether such concessions are asked for a period of 50 years ; if not, whether it is for a shorter or longer period ;
- (c) whether the said firm proposes to open its work at Dandot in Jhelum District, Punjab, for the purpose of exploiting the salt and lime resources of India ;
- (d) whether the Government will lay on the table of the House the original proposals of the said concerns and the reply given by the Government ;
- (e) whether the Government is prepared to extend the same facilities to any other company floated in India with Indian capital and directorate ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No. The Imperial Chemical Industries (India), Limited, are negotiating direct with the Punjab Government and not through the Government of India.

(b) and (c) So far as the Punjab Government are concerned, the Imperial Chemical Industries (India), Limited, have applied for a prospecting licence for a period of five years, with the option of a lease for a period of fifty years to quarry limestone near Dandot.

(d) Government considers it against the public interest to publish negotiations.

(e) Government are prepared to consider every application on its merits.

MALES AND FEMALES HANGED.

969. Shrimati Lekhwati Jain : Will the Honourable the Finance Member be pleased to state the number of males and females hanged each year since 1925 in the Punjab jails, community-wise (Mohammadans, Sikhs and non-Mohammadans.)

The Honourable Mr. D. J. Boyd : The information asked for is given below :—

Year.	MUHAMMADANS.		SIKHS.		NON-MUHAMMADANS.		TOTAL.		GRAND TOTAL.
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males and females.
1925 ..	89	4	51	1	16	1	156	6	162
1926 ..	88	1	52	..	16	..	166	1	167
1927 ..	87	1	40	..	26	..	153	1	154
1928 ..	153	..	71	..	32	..	256	..	256
1929 ..	89	1	43	..	19	..	151	1	152
1930 ..	152	3	32	..	15	..	199	3	202
1931 ..	114	..	44	1	26	..	184	1	185
1932 ..	113	..	54	..	38	..	205	..	205
1933 ..	114	1	75	1	33	1	222	3	225
1934 ..	97	1	74	..	38	..	209	1	210
Total ..	1,106	12	536	3	259	2	1,901	17	1,918

ENGINEERING SCHOOL, RASUL.

970. Shrimati Lekhwati Jain : Will the Honourable Minister for Agriculture be pleased to state—

- (a) the annual budget allotment for the Engineering School, Rasul, during the last 10 years ;
- (b) the number of students who qualified in the final examination each year during the last 10 years ;
- (c) the number of such qualified students who have got Government employment ;
- (d) whether it is a fact that a very large number of such qualified men are as yet unemployed ;
- (e) in view of heavy unemployment among such qualified men, whether Government will consider the advisability of closing the Rasul Engineering School, in order to effect economy in the provincial expenditure ?

The Honourable Sardar Sir Jogendra Singh : (a), (b), (c) A statement is laid on the table.

(d) No. Out of 432 qualified overseers and 96 qualified draftsmen, 278 and 69, respectively, are known to be employed.

(e) The reply is in the negative.

Statement.

(a)	Year.			Budget allotment.	Actual expenditure.
				Rs.	Rs.
	1925-26	..	..	90,560	83,853
	1926-27	..	..	1,06,500	88,942
	1927-28	..	..	85,900	96,163
	1928-29	..	..	1,01,900	88,659
	1929-30	..	..	1,03,800	97,873
	1930-31	..	..	1,03,500	1,19,356
	1931-32	..	..	1,11,900	85,666
	1932-33	..	..	91,900	94,228
	1933-34	..	..	93,100	..
	1934-35	..	..	86,800	..

(b) and (c)

Year.				Number of students who qualified.	Number of qualified students who have got employment.
1924	..	..	..	Figures not available.	
1925	..	..	..	47	38
1926	..	..	..	48	40
1927	..	..	..	43	39
1928	..	..	..	46	39
1929	..	..	..	47	38
1930	..	..	..	48	35
1931	..	..	..	55	15
1932	..	..	..	43	13
1933	..	..	..	55	19
Total				432	278

ADVOCATES AND PLEADERS ENROLLED IN THE LAHORE HIGH COURT.

971. Shrimati Lekhwati Jain : Will the Honourable Finance Member be pleased to state—

- (a) the total number of advocates enrolled in the Lahore High Court on 31st August 1934 ;
- (b) the total number of pleaders enrolled in the Lahore High Court authorised to practice in the mofussil courts on 31st August 1934 ;
- (c) whether Government realizes that the profession of law is more than over-crowded, and this over-crowding has led to much corruption and employment of undesirable means such as tout-ing, acceptance of ridiculously low fees, canvassing of clients by doubtful means, etc. ;
- (d) in view of this over-congestion in the profession of law, whether Government will consider the desirability of restricting the enrolment of lawyers in the Lahore High Court, as was done in 1913 and 1914 ?

The Honourable Mr. D. J. Boyd : (a) 1,851.

(b) 4,242.

(c) Government are aware that the profession is overcrowded, a position that must lead to undesirable results.

(d) The experiment of restricting the number of new pleaders' licences issued was tried in 1914, but was abandoned partly because of its general unpopularity and partly for the following reasons. Inasmuch as a man who has passed the LL.B. degree examination cannot again present himself for the same examination in the following year, while a man who has failed may do so, it seems to follow that a man who is 31st in the list is absolutely excluded from ever joining the legal profession as a pleader, but to a man who fails altogether to pass, it is still open to appear again next year and perhaps to get into the first 30 and so obtain a licence. It seems unfair that the better man should be thus penalised. It may be noted also that there are no restrictions on the number of Advocates annually enrolled in the Court, nor is it possible to make any restriction. Every Barrister of any English or Irish Inn of Court, and every Scottish Advocate who chooses to apply is enrolled on proof of good character. It is increasingly felt that in these circumstances to limit the number of pleaders is to make a different law for the rich and the poor, for only well-to-do young men can afford to proceed to Europe. Again, it has been strongly urged, and with some reason, that it is hard that a man should spend two years in a highly technical course of study, fitting him exclusively for one profession, and then be refused entry into that profession by reason of an arbitrary rule ; and that the rule is calculated to create a class of men not unjustly aggrieved against the authorities. A system of apprenticeship has now been adopted by the High Court, and it appears advisable to await the result before trying further experiments.

AID BY FEROZEPORE MUNICIPALITY TO HINDU STUDENTS' RELIEF SOCIETY.

972. Chaudhri Afzal Haq : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that on the constitution of the Hindu Students Relief Society, the President of the Ferozepore Municipality has granted an aid of Rs. 40 per mensem to support the Society ;
- (b) the number of such societies as are supported by the Municipality ;
- (c) if reply to (b) above is in the negative, the reasons for giving aid to the Hindu Students' Relief Society only ;
- (d) whether the aid was granted by the Committee unanimously ;
- (e) whether the question of aid was put before the Committee ;
- (f) if reply to (d) and (e) above be in the negative, on what authority the President has granted the aid in question ;
- (g) whether it is a fact that the fact of giving the said grant-in-aid was kept secret for a long time ?

The Honourable Dr. Gokul Chand Narang : (a) No. A grant to the Society has been made by the Municipal Committee.

- (b) (i) The Anjuman-i-Ishaat-i-Talim, Rs. 40 per mensem.
- (ii) The Hindu Students' Relief Society, Rs. 40 per mensem.
- (c) Does not arise.
- (d) Yes.
- (e) Yes.
- (f) Does not arise.
- (g) No.

GIRLS' SCHOOLS UNDER FEROZEPORE MUNICIPAL COMMITTEE.

973. Chaudhri Afzal Haq : Will the Honourable Minister for Education please state—

- (a) the number of Hindu girls' schools opened by the Ferozepore Municipality, and the number of Muslim girls' schools ;
- (b) whether it is a fact that all the Muslim girls' schools are closed down except two ;
- (c) if so, why ?

The Honourable Malik Sir Firoz Khan Noon : (a) Hindi 2

Urdu 3, one of which has recently been opened.

- (b) Yes, in 1929.
- (c) On account of financial stringency.

SANITARY INSPECTOR OF FEROZEPORE MUNICIPALITY.

974. Chaudhri Afzal Haq : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that a Sanitary Inspector of the Ferozepore Municipality recently filed a suit in the court against a member of the Municipality ;

- (b) whether it is a fact that the President gave him the permission to file a suit against the member ;
- (c) if so, on what grounds the President granted him permission to file the suit against the member ;
- (d) the result of the case ?

The Honourable Dr. Gokul Chand Narang : (a) Yes. The complaint in question was filed over a year ago in the criminal court.

(b) No. Permission to file the complaint was given by the Municipal Committee itself.

(c) Does not arise.

(d) The Municipal Commissioner concerned having apologised the case was dropped.

TERMINAL TAX RATES IN KASUR MUNICIPALITY.

975. Chaudhri Afzal Haq : Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that the Kasur Municipality has raised the rates of the terminal tax ;
- (b) if so, to what extent ;
- (c) whether he is aware that some of the tradesmen have closed down their shops as a protest against the Municipality, while some of them have migrated from Kasur ?

The Honourable Dr. Gokul Chand Narang : (a) No.

(b) and (c) Do not arise.

MAHESH CHAND MEMORIAL LIBRARY, FEROZEPORE.

976. Chaudhri Afzal Haq : Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that all the furniture as well as the books of the Municipal Library of Ferozepore have been handed over to the Mahesh Chand Memorial Library ;
- (b) if so, the reasons for the same ?

The Honourable Dr. Gokul Chand Narang : (a) and (b). The question suggests that books and equipment of the municipal library have been handed over to a private library. This is not the case. The facts are that the old municipal library room was found to be too small. A gentleman named Dr. Sadhu Chand built a hall at a cost of some three thousand rupees and presented the hall to the Municipal Committee of Ferozepore on the condition that the municipal library should be located in it and should be named "The Mahesh Chand Memorial Municipal Library." The gift was gratefully and unanimously accepted by the Committee.

RETRENCHMENT IN DISTRICT BOARD, JHANG.

977. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether the District Board, Jhang, was ordered by higher authorities in the beginning of this year to make some retrenchment in its expenditure ;

[R. B. L. Sewak Ram.]

(b) how far the orders of the higher authorities have been carried out ;

(c) whether it is a fact that a representation on behalf of the local Hindu Sabha was made to the President, District Board, in April 1934, suggesting some ways and means of retrenchment ;

(d) if so, what action, if any, has been taken on that representation ?

The Honourable Dr. Gokul Chand Narang : (a) No. Certain suggestions were, however, made by the Examiner, Local Fund Accounts, after an inspection of the Boards' accounts in December, 1933, for retrenchments in the Board's Public Works establishment and in the salaries of school teachers in outlying localities.

(b) A statement is laid on the table showing the retrenchments effected by the Board as the result of the Examiner's note.

(c) Yes.

(d) None, for the reason that the Board had already taken retrenchment measures as indicated above.

Statement showing retrenchment measures lately adopted by the District Board of Jhang.

Department.		1. Abolition of—	Estimated saving per annum.
			Rs.
District Office.	Board (1)	One post of store cooly at Rs. 14 per mensem.	168
Gardens	.. (2)	One post of Head Mali at Rs. 27 per mensem.	324
Do.	.. (3)	Two posts of coolies at Rs. 14-8-0 per mensem each.	348
Do.	.. (4)	One carpenter at Rs. 15 per mensem.	180
Works	.. (5)	One tracer at Rs. 50 per mensem	600
		(6) Three Road Munshis :—	
		1 at Rs. 30 per mensem (Pay Rs. 25 + allowance Rs. 5)	360
		2 at Rs. 26 (Pay Rs. 21 + allowance Rs. 5)	624
			<hr/> Rs. 2,604 <hr/>

2. Reductions in the grades of pay admissible to.

(i) *Sub-overseer*, to Rs. 40—2—60/
3—70—

	Rs.
Maximum of the existing grade ..	90 per mensem.
Pay for the new entrant ..	40 per mensem.

Difference 50 = Rs. 600.

(ii) *District Engineer* to Rs. 150—10—
—200.

Maximum pay of the existing grade	300 per mensem.
Pay for the new entrant ..	150

Difference .. 150 per mensem
= Rs. 1,800

3. Surrendered by the District Inspector of Schools

412

Total .. 5,416

DISTRICT ENGINEER, JHANG.

978. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Local Self-Government kindly state—

- whether it is a fact that the extension given to the District Engineer, Jhang, expired in March 1933 ;
- whether the District Board passed a resolution unanimously that his services be terminated after March 1933 ;
- whether it is a fact that he applied for extension to the Chairman for another year and that application was summarily rejected ;
- whether it is a fact that the District Board Engineer was given extension for another year after the unanimous resolution of the District Board against extension being given to him and the orders of the President ;
- if so, the special reasons for giving extension to him ?

The Honourable Dr. Gokul Chand Narang : (a) By a resolution passed by the Jhang District Board on the 5th February 1934, the District Engineer was given a year's extension. This expired on the 15th April 1934.

(b) By resolution No. I (30) passed on the 8th February 1934, the Board decided that no further extension should be given. A copy of the resolution is laid on the table.

(c) (i) Yes, (ii) No.

(d) The question was reconsidered by the Board on the 12th April 1934 when a resolution (No. VI (9)) was passed sanctioning a further year's extension. A copy of this resolution is also laid on the table.

(e) The resolution does not state any special reasons.

[Hon. Dr. Gokul Chand Narang.]

Copy of District Board Resolution No. I (30), dated the 8th February 1934, passed by the District Board, Jhang.

READ papers regarding the retirement of Agha Mukhtar Husain, District Engineer. The year's extension granted to him by the Board's resolution No. I (26), dated the 5th February 1933, will expire on the 15th April 1934. The District Engineer has not asked for further extension. The Chairman suggests that in the interest of economy no further extension be given, and that in future the post of the District Engineer be reduced to one of a supervisor on the scale of pay of Rs. 150—16—200. Early steps should be taken for the appointment of a suitable person.

Order of the Board. Sanctioned.

Copy of Resolution No. VI (3), dated the 12th April 1934, passed by the District Board, Jhang.

READ application, dated 23rd February 1934, from Agha Mukhtar Husain, District Engineer, Jhang, requesting one year's extension in service together with the proposal to re-consider the question decided in the District Board resolution No. I (30), dated 23rd February 1934, regarding his retirement from the date on which the previous term expires. There is no objection to the grant of extension if the District Board wishes to do so.

The sub-committee recommends.

Order of the Board. Sanctioned.

ACCOUNTS OF THE DISTRICT BOARD, JHANG.

979. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Local Self-Government please state—

- (a) whether the Accountant, District Board, Jhang, made a report in writing against the Secretary, as regards the accounts of the District Board ;
- (b) whether any enquiry was held into the matter ;
- (c) if the reply to (b) is in the negative, what steps the Government now proposes to take in the matter ?

The Honourable Dr. Gokul Chand Narang : (a) A petition was preferred by the Accountant to the Chairman of the Board on the 6th February 1934 alleging that the Secretary had been guilty of various financial mal-practices.

(b) An inquiry was made by the Vice-Chairman and the Chairman. The Accountant's allegations were found to be baseless and to have been the result of personal animosity. The Accountant was accordingly warned by the Chairman.

- (c) Does not arise.

SECRETARY, DISTRICT BOARD, JHANG.

980. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that the Secretary, District Board, Jhang, is residing in the District Board building on a monthly rent of Rs. 4 only ;
- (b) the average annual expenditure on improvements and repairs of the house occupied by the Secretary during the last five years ;

- (c) if the annual expenditure incurred is more than the rent received, what action the Honourable Minister proposes to take in the interest of the District Board?

The Honourable Dr. Gokul Chand Narang : (a) Yes. The rent was fixed by the District Board itself in resolution No. 47, dated the 7th December 1926, and was apparently intended to be a nominal one. A copy of the resolution is laid on the table.

(b) Rs. 51-9-0.

(c) Government does not propose to take any action in the matter.

Copy of Resolution No. 47, dated the 7th December 1926, passed by the District Board, Jhang.

READ application of M. Shuja-ud-Din, Secretary, District Board, stating that there are two godowns, one old and the other new one. The former is properly used and the latter is seldom required for articles to be put therein. It practically remains as nearly vacant or mostly unused. That in view of the spacious room now provided in the old godown, there will be no need to make use of the new godown. The articles appertaining to both can easily be arranged and put in one place. Under the circumstances he requests that, if considered advisable, the new godown may kindly be ordered to be used by him as his residential quarters free of charge or on payment of a nominal rent as fixed by the Chairman. He does not own any house in the town for residence.

The Vice-Chairman recommends.

The Chairman has sanctioned the same.

Approval of the Board is required.

Order of the Board. Sanctioned Rs. 4 a month.

TAXATION OFFICER, JHANG DISTRICT BOARD.

981. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Local Self-Government kindly state the salary with allowances the Taxation Officer of Jhang District Board is drawing and his qualifications?

The Honourable Dr. Gokul Chand Narang : I regret that the reply to this question is not yet ready, it will be supplied to the honourable member when ready.

HEAD CLERK, JHANG DISTRICT BOARD.

982. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether the Head Clerk, Jhang District Board, has ever been suspended; if so, how often and for what reasons;
- (b) whether it is a fact that he is suffering from some physical disability and cannot write with his own hand;
- (c) if so, what steps Government intends to take as regards such an official?

The Honourable Dr. Gokul Chand Narang : (a) Thrice, on charges as follows:—

(i) (1921) On a complaint that he had attempted to obtain an illegal gratification.

(ii) (1923) Insubordination.

[Hon. Dr. Gokul Chand Narang.]

(iii) (1934) Loss of a file. (Effect was not given to the order of suspension, as the file was immediately traced).

(b) Yes. He can write, but shakily.

(c) The facts have been brought to the notice of the Commissioner of the division, who has full power under section 27 of the Punjab District Boards Act, 1883, to deal with the case.

TEMPORARY STAFF OF 3RD BAHAWALPUR CIRCLE.

983. Rai Bahadur Lala Sewak Ram : Will the Honourable Revenue Member be pleased to state—

(i) how many members of temporary staff of various classes, viz., clerks, draftsmen, tracers and subordinates were brought under reduction at the time of closing of 3rd Bahawalpur Circle, Suttlej Valley Project, in the month of October 1933, and how many of them have been re-employed ;

(ii) (a) whether it is a fact that certain members of the temporary staff attached to late 3rd Bahawalpur Circle were awarded "Thanks Sanads" during 1933-34 from the Local Self-Government for the hard work done by them during construction days ; if so, whether he will place a statement showing the names separately of those (1) who were still in service, (2) who were brought under reduction at the closure of the Circle ;

(b) whether Government proposes to give any consideration to the hard work done by the retrenched persons by re-employing them ; if so, what steps have been taken by the Government ;

(c) whether Government proposes to start Havelian Project ; if so, whether Government will consider the desirability of re-employing the retrenched persons ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan :

(i) Clerks	9
Draftsmen	2
Tracers	7
Subordinates	7

were discharged when the 3rd Bahawalpur Circle was closed.

So far as is known only one of these men—a draftsman—has been re-employed. It is, however, not possible to keep in touch with all discharged men, and it is possible that others have found employment in other Departments or other Circles in the Irrigation Branch.

(ii) (a) Yes.

A statement is placed on the table.

(b) The claims of retrenched men are given full consideration when vacancies occur.

Some retrenched clerks have recently been selected for permanent appointment in preference to men actually in service. The same has been done for draftsmen and tracers. All retrenched engineering subordinates have been classified in the order in which they may be re-employed.

(c) If the Havelian Project is started the claims of retrenched persons will be considered.

Statement showing the names of temporary staff granted Sanads in June 1934.

(1) Names of persons who were still in service.	(2) Names of persons who were brought under reduction at the closure of the Circle.
<ol style="list-style-type: none"> 1. H. V. Shaw, Temporary Subordinate. 2. Nariujan Singh, Temporary Subordinate. 3. Kartar Singh, Temporary Subordinate. 4. Nabi Bakhsh, Temporary Clerk. 5. Kanshi Ram, Temporary Clerk. 6. Nand Lal, Temporary Clerk. 7. Nabi Bakhsh, Artificer. 8. Abdul Ghafur, Artificer. 9. Sundar Singh, Storekeeper. 10. Zamin Ali, Temporary Draftsman* 	<ol style="list-style-type: none"> (1) Sajjan Singh, Temporary Subordinate. (2) Muhammad Yusaf, Temporary Subordinate. (3) Shiv Singh, Temporary Subordinate. (4) Chuni Lal, Channa (2), Temporary Clerk. (5) Uggar Sain, Temporary Clerk. (6) Ram Jiwan, Temporary Clerk. (7) Jai Dev, Temporary Clerk. (8) Jowala Parshad, Temporary Tracer. (9) Muhammad Taqqi, Temporary Tracer. (10) Karam Chand, Temporary Tracer. (11) Fauja Singh, Temporary Tracer. (12) Muzaffar Ali, Temporary Tracer. (13) Habib-ul-Rahman, Temporary Draftsman.†

*Since made permanent.

†Since re-employed.

AIR SERVICE BETWEEN CALCUTTA AND BOMBAY.

984. Rai Bahadur Mr. P. Mukerjee : Will the Honourable Member for Revenue kindly state—

(a) whether his attention has been drawn to the press reports appearing during the last few days, particularly the leading article of the *Statesmen*, dated the 28th September 1934, entitled India's Air Routes, advocating the linking up of Lahore and Delhi for a daily air service between Calcutta and Bombay ;

(b) whether the Punjab Government intends to address the Government of India in support of it ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan: (a) Yes.
(b) The Government of India have already been addressed in the matter.

EDUCATION DEPARTMENT.

985. Rai Bahadur Lala Sewak Ram : With reference to his reply to unstarred question No. 8621, wherein it was stated that (a) the cases of appointments of district inspectors, assistant district inspectors, headmasters and teachers in colleges are dealt with by the Director of Public Instruction and not by the Assistant Director of Public Instruction and (b) that stenographers according to the present practice are appointed by the officers under whom they have to serve, will the Honourable Minister for Education kindly state—

- (a) the number of cases since the appointment of the present Assistant Director of Public Instruction in which the Director of Public Instruction has informally consulted the Assistant Director of Public Instruction in regard to appointments of district inspectors, assistant district inspectors of schools, headmasters and teachers in colleges which are beyond the province of the Assistant Director of Public Instruction ;
- (b) whether it has been the usual practice with the present Director of Public Instruction to consult the Assistant Director of Public Instruction in most of the cases which are referred to above in reply to my question ;
- (c) in how many cases the Assistant Director of Public Instruction has informally, but personally consulted the members of the Inspection Committee of Colleges with regard to appointments of college staff ;
- (d) whether it is a fact that the appointment of stenographer of the Divisional Inspector, Multan, was made in July or August not by the Divisional Inspector himself, but as a result of competition held by a Junior Office Superintendent of the Director of Public Instruction's office ;
- (e) if reply to (d) is in the affirmative, how does Honourable Minister reconcile his previous statement with the real facts as admitted by him in reply to (d) above ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) In consulting the Assistant Director of Public Instruction in the matters detailed by the honourable member and other matters the Director of Public Instruction uses his own discretion and generally follows the practice he adopted in relation to the present Assistant Director of Public Instruction's predecessor.

(c) None.

(d) Yes.

(e) This is an innovation which the Department has tried in imitation of the Punjab Civil Secretariat. As a result of this competitive examination a Hindu was appointed. Would the honourable member wish me to have this appointment cancelled and the matter left to the divisional inspector ?

EDUCATION DEPARTMENT.

986. Rai Bahadur Lala Sewak Ram : With reference to his reply to question No. 862¹, in which it was stated that district inspectors and assistant district inspectors of schools are primarily inspectors of rural schools and that, therefore, in selecting officers for these posts considerable importance is attached to rural origin and sympathies, will the Honourable Minister for Education kindly state—

- (a) what he means by rural origin and sympathies ;
- (b) whether he has been able to discover the line which separates the rural population from the urban population ;
- (c) whether it is not a fact that unless the rule regarding recruitment of only notified agriculturists is relaxed the Hindus will have very few chances of joining the inspection line ;
- (d) how many vacancies occurred among the district inspectors and assistant district inspectors since 1st November 1930, and how many of them were filled by members of each community ?

The Honourable Malik Sir Firoz Khan Noon : (a) The words ' rural origin ' and ' rural sympathies ' are simple enough and well understood in the province, and I am sure the honourable member understands them as well as I do. Government have laid down no statutory definition for this purpose.

(b) The distinction is there, and is well known to every one in the province.

(c) The relaxation is neither necessary nor desirable. Qualified Hindu agriculturists are now becoming available in increasing numbers.

(d) Since the 1st of November, 1930, there have been eighteen vacancies for district inspectors of schools. Ten of these have been held by Muslims, five by Hindus and three by Sikhs. Their places have been taken by eleven Muslims, three Hindus, two Sikhs and two of other religions. In the same period the posts of thirty-six assistant district inspectors of schools have fallen vacant. They were originally held by fifteen Muslims, fourteen Hindus, six Sikhs and one of another religion. Their places have been taken by sixteen Muslims, thirteen Hindus and seven Sikhs. It may be added for the honourable member's information that there are only eight districts in the province in which the population is predominantly Hindu.

EDUCATION DEPARTMENT.

987. Rai Bahadur Lala Sewak Ram : With reference to his reply to question No. 868², wherein it was stated that " transfer from the teaching line to the inspection line is neither promotion nor degradation," will the Honourable Minister for Education please state—

- (a) whether it is not a fact that M. Ahmad Khan when he was serving in the Ferozepore district in the inspection line, was adversely reported by the European Deputy Commissioner and by way of punishment was reverted to the teaching line ;

[R. B. Lala Sewak Ram.]

- (b) whether it is not a fact that M. Sardar Alam, District Inspector, was transferred to teaching line on the adverse report of the Assistant Director of Public Instruction when he went out on tour in 1933 and his transfer was ordered without even the Inspector of Schools of the division being consulted ;
- (c) if reversion from the inspection line to the teaching line is not a degradation, whether he will quote any cases of persons in the teaching line who were sent to the inspection line by way of punishment on the adverse report by some officer ?

The Honourable Malik Sir Firoz Khan Noon : (a) M. Ahmad Khan was transferred to the teaching line not as a punishment, but because at the time his transfer from the inspection line was considered desirable in the interest of public service.

(b) M. Sardar Alam was also appointed headmaster of a high school in the interest of public service. This in no way affected his status, pay or prospects in service. His divisional inspector was consulted.

(c) The attention of the honourable member is invited to the answers given to his Council questions Nos. 287¹ and 772² asked in March 1932 and March 1934, respectively.

PROFESSORS OF PERSIAN AND URDU IN GOVERNMENT COLLEGES.

968. Rai Bahadur Lala Sewak Ram : With reference to reply to question No. 877³, will the Honourable Minister for Education please state—

- (a) the number of qualified Hindus who were M. A's in Persian and who applied for posts of professors of Persian and Urdu in Government Colleges during the time of the present Minister ;
- (b) how many of them were selected ;
- (c) the number of Muslim M.A.s in Sanskrit who applied for the posts of professors of Sanskrit and Hindi and with what result ;
- (d) whether, in view of the paucity of Hindus in Colleges to teach Persian and Urdu in spite of there being qualified persons available, he is prepared to take Hindus as professors of Persian and Urdu ?

The Honourable Malik Sir Firoz Khan Noon : (a) Only one. He applied in August 1933.

(b) None. It may be added for the honourable member's information that no new appointment of a Persian and Urdu teacher has been made in Government Colleges since August 1933.

(c) None.

(d) The attention of the honourable member is invited to the reply given to part (d) of his Council question No. 877³ of 1934.

¹Vol. XXI, page 168.

²Vol. XXIV, pages 746-47.

³Page 182 ante.

ANGLO-VERNACULAR TEACHERS IN GOVERNMENT SCHOOLS.

989. Rai Bahadur Lala Sewak Ram : With reference to his reply to unstarred question No. 862¹, giving the proportion of anglo-vernacular teachers in Government schools, community-wise, will the Honourable Minister for Education please state—

- (a) the proportion of vernacular teachers community-wise ;
- (b) the proportion of teachers, both anglo-vernacular and vernacular, community-wise, in Government schools ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to the consolidated Annual Statement showing the proportionate representation of the various communities serving in the different departments of the Punjab Government, a copy of which has already been placed on the table.

DENOMINATIONAL SCHOOLS.

990. Rai Bahadur Lala Sewak Ram : With reference to his reply to unstarred question No. 862¹, giving a statement showing the grants-in-aid paid to denominational schools run by different communities, will the Honourable Minister for Education please state—

- (a) the number of scholars in the secondary stages of anglo-vernacular aided middle and high schools under different denominations community-wise ;
- (b) the number of scholars in secondary department of anglo-vernacular unaided schools under different denominations community-wise ;
- (c) the *per capita* expenditure from Government funds on students belonging to each community receiving instruction in anglo-vernacular schools ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected, and will be supplied to the honourable member when ready.

INSPECTOR OF TRAINING INSTITUTION.

991. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education please state—

- (a) the functions and duties of the Inspector of Training Institutions ;
- (b) how many schools were for—
 - (i) training vernacular teachers,
 - (ii) training junior anglo-vernacular teachers,

on 1st January 1930, when Mr. Sanderson was Inspector of Training Institutions and how many of them are at present ;

- (c) in view of the fact that the number of training institutions as given in reply to (b) above has been very much reduced, whether it is intended to amalgamate the post of the Inspector of Training Institution with that of the Inspector of Vernacular Education ?

The Honourable Malik Sir Firoz Khan Noon : (a) The Inspector of Training Institutions' principal duty is, and has always been not only to inspect training institutions, but also to advise the Director of Public Instruction, in regard to the training of vernacular teachers and to assist him in office work which has been steadily increasing since the reforms.

(b) Training classes for vernacular teachers :—

	1st January 1930.	At present.
(1) Normal Schools	7	3
(2) Combined institutions ..	28	..
J. A. V. Training Classes ..	2	..

(c) The allotment of work to the Inspector of Vernacular Education and the Inspector of Training Institutions is very heavy and it is therefore not possible to amalgamate the two posts. It may be added for the information of the honourable member that one post in the office of the Director of Public Instruction, that of the Reporter on Books, has already been retrenched and a great part of his work has been distributed to other officers at headquarters.

EDUCATION DEPARTMENT.

992. Rai Bahadur Lala Sewak Ram : With reference to the reply of the Honourable Minister for Education to unstarred question No. 862¹, where he stated, "that in twenty districts out of twenty-nine Muslims have an overwhelming majority amongst the rural population as well as in the district", will the Honourable Minister for Education please state the population community-wise—

- (a) in each district ;
- (b) in the rural population ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to the Census Report of 1931, which gives the requisite information.

RETRENCHMENT IN EDUCATION DEPARTMENT.

993. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education be pleased to state—

- (a) how many persons community-wise have been retrenched in each division since 1st January, 1931, in
 - (i) Government schools,
 - (ii) District Board schools,
- (b) how many of them have been re-employed community-wise ?

The Honourable Malik Sir Firoz Khan Noon : (a) (i) The attention of the honourable member is invited to the replies to starred Council questions Nos. 987² of 1931 and 1239³ of 1932. Since 1933 there have, however, been four retrenchments of whom two were Hindus (one at his own request), one Muslim and one Sikh.

¹Pages 174-75 ante.

²Volume XX, page 304.

³Volume XXI, page 336.

(2) The requisite information can be collected if the honourable member presses for it, but there will have to be a very expensive enquiry.

(b) None in Government schools.

B. T. CLASS LADY MACLAGAN SCHOOL.

994. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education kindly state—

- how many girls community-wise applied for admission to B. T. class of Lady MacLagan School, in the year 1934 ;
- how many of them community-wise were admitted ;
- the qualifications of the Muslim girls admitted and of the non-Muslim girls rejected ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b)—

Communities.	Number of appli- cations.	Number of admis- sions.
Muslims	9	9
Hindus	9	9
Christians	13	10
Brahmo	1	1
Sikhs	5	5
Total	37	34

(c) The Muslim girls admitted and the non-Muslim girls rejected had all taken their B. A. degrees.

REMISSION OF TAQAVI IN THE HISSAR DISTRICT.

995. Rai Bahadur Lala Sewak Ram : Will the Honourable Revenue Member kindly state—

- whether it is a fact that large amounts of *taqavi* for seed and fodder, etc., have been advanced to the agriculturists of the *barani* villages in the Hissar district during the last 4 or 5 years ;
- whether it is a fact that most of the amount of *taqavi* thus advanced could not be recovered on account of the failure of crops and has been suspended from time to time ;
- whether it is a fact that on account of the failure of crops land revenue instalments under suspension of *kharif* 1932, *rabi* 1933, and previous harvests have been remitted in most of the *barani* villages ;

[R. B. Lala Sewak Ram.]

- (d) whether it is a fact that Government had to forego a sum of Rs. 13½ lakhs advanced to the people of the Gurgaon district as *taqavi* during the last seven or eight years?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a), (b) and (d) The attention of the honourable member is invited to the reply given to parts (a), (b) and (c) of Council question No. 3210¹ (starred).

(c) Land revenue instalments under suspension prior to *kharif* 1932 have been remitted but not the instalments of *kharif* 1932 and *rabi* 1933.

MALIKANA RATES IN THE PIR MAHAL EXTENSIONS.

996. Rai Bahadur Lala Sewak Ram : Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that a cut motion regarding the rates of *malikana* was carried in the Punjab Legislative Council on 6th March 1934 ;
- (b) whether it is a fact that the Honourable Member himself admitted at the end of his speech that *malikana* rates are still charged on the allotted area in the Pir Mahal extensions which are rather anomalous ;
- (c) whether it is a fact that *malikana* for *rabi* and *kharif* 1933 is still being charged on the allotted area in the Pir Mahal extensions ;
- (d) if the answer to (a), (b) and (c) be in the affirmative what action Government proposes to take for decreasing the rate of *malikana* and for charging it on matured instead of allotted area in the Pir Mahal extensions ?

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

- (b) Yes.
- (c) *Malikana* was assessed on allotted area in *rabi* and *kharif* 1933.
- (d) In *rabi* 1934, *malikana* was assessed on matured area and the same will be done in *kharif* 1934.

SCHOOL RECOGNITION RULES.

997. Mian Nurullah : Will the Honourable Minister for Education be pleased to state—

- (a) whether the attention of the Government has been drawn to the articles of Lala Jagan Nath Aggarwal, Advocate, M.L.A. and Mr. Mukand Lal Puri, Advocate, M.L.C., published in the *Tribune*, dated 4th July and 21st June 1934 respectively, against retrospective effect being given to new recognition rules ;
- (b) whether the attention of the Government has been drawn to resolution No. 2 of the Punjab Non-Government Schools' Federation of Teachers and Managers strongly criticising these newly framed rules of recognition and demanding that they should in no case apply to schools already recognised ;

- (c) whether the Government is aware that on page 27 of the Education Report for the year 1932-33 the Director of Public Instruction had already admitted that the recognition rules "do not apply to old schools already recognised";
- (d) whether it is a fact that the opinion of the Legal Remembrancer about retrospective effect being given to these rules was received by the Director of Public Instruction before the issue of the report;
- (e) in view of (a), (b), (c) and (d) above whether he will consider the desirability of making it clear by incorporating it in the Education Code that the rules will only apply to schools to be recognised hereafter?

The Honourable Malik Sir Firoz Khan Noon : (a) Government has seen the article by Lala Jagan Nath Aggarwal but not that by Lala Mukand Lal Puri.

(b) Yes.

(c) The complete sentence referred to is—

"The defects mentioned in the last year's report (these relate to insecurity of tenure and irregular payment of salaries to teachers) generally continue as the rules of recognition which demand service rules and sound financial position do not apply to old schools already recognised."

(d) Yes.

(e) All aspects of the question will be borne in mind when Government is considering the question of the retrospective application of the new rules to the old institutions.

PROMOTIONS IN EDUCATION DEPARTMENT.

998. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education kindly state—

- (a) whether promotions in Education Department like promotions in other departments are made according to gradation list and seniority;
- (b) how many promotions since 1st November 1930 have been made—
 - (i) in accordance with seniority;
 - (ii) on other considerations;
- (c) whether in view of public agitation against supersessions, Government intends to give promotions strictly according to gradation list?

The Honourable Malik Sir Firoz Khan Noon : (a) and (c) The honourable member is referred to the answer to starred Council question No. 2825¹ asked by Shrimati Lekhwati Jain in the last budget session of the Council.

(b) A statement giving the requisite information about the Subordinate Educational Service (Men's Branch) is laid on the table.

[Hon. Sir Firoz Khan Noon.]

<i>Subordinate Educational Service, Anglo-Vernacular Section.</i>				<i>Subordinate Educational Service, Clerical and Vernacular Section.</i>			
Class and Grade.	Promotions made in accordance with seniority.	Promotions made on other considerations.		Class and Grade.	Promotions made in accordance with seniority.	Promotions made in other considerations.	
Class I (Rs. 200—10—250)	Nil	16	..	Class I (Rs. 140—10—190)	3	Nil.	Nil.
Class II (Rs. 140—10—190)	Nil	25	..	Class II (Rs. 110—5—135)	10	Nil.	Nil.
Class III (Rs. 110—5—135)	30	10 On the basis of improved qualifications, i.e., M.A. in the lower grade were specially promoted in order of seniority.	..	Class III (Rs. 80—4—100)	16	5 On the basis of improved qualifications in accordance with the principles approved by Government.	5 On the basis of improved qualifications in accordance with the principles approved by Government.
Class IV (Rs. 80—4—100)	29	27 On the basis of improved qualifications, i.e., trained graduates were specially promoted in order of seniority.	..	Class IV (Rs. 55—3—70)	39	19 On the basis of improved qualifications in accordance with the principles approved by Government.	19 On the basis of improved qualifications in accordance with the principles approved by Government.

MALIKANA RATES IN THE PIR MAHAL EXTENSIONS.

999. Khan Bahadur Sardar Habib Ullah : Will the Honourable Member for Revenue kindly state—

- (a) whether it is a fact that a cut motion regarding the rates of *malikana* was carried in the Punjab Legislative Council on 6th March 1934 ;
- (b) whether it is a fact that the Honourable Member for Revenue himself admitted at the end of his speech that *malikana* rates are still charged on the allotted area in the Pir Mahal extensions ;
- (c) whether it is a fact that *malikana* for *rabi* and *kharif* 1933 is still being charged on the allotted area in the Pir Mahal extensions ;
- (d) if the answer to (a), (b) and (c) be in the affirmative, what action Government proposes to take for decreasing the rate of *malikana* and for charging it on matured instead of allotted area in the Pir Mahal extensions ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a), (b), (c) and (d) The attention of the honourable member is invited to the answer given to question No. 996¹.

REMISSION OF TAQAVI IN THE HISSAR DISTRICT.

1000. Khan Bahadur Sardar Habib Ullah : Will the Honourable Member for Revenue kindly state—

- (a) whether it is a fact that large amounts of *taqavi* for seed and fodder, etc., have been advanced to the agriculturists of the *barani* villages in the Hissar district during the last 4 or 5 years ;
- (b) whether it is a fact that most of the amount of *taqavi* thus advanced could not be recovered on account of failure of crops and that the recovery has been suspended from time to time ;
- (c) whether it is a fact that on account of failure of crops land revenue instalments under suspension of *kharif* 1932, *rabi* 1933, and previous harvests have been remitted in most of the *barani* villages ;
- (d) whether it is a fact that Government had to forego a sum of Rs. 19½ lakhs advanced to the people of the Gurgaon district as *taqavi* during the last seven or eight years ;
- (e) if the answers to (a), (b), (c) and (d) be in the affirmative, whether following the precedent of the Gurgaon district and considering the fact that the harvests for which *taqavi* of seed, etc., was given have failed, Government intends to remit all *taqavi* of seed and fodder advanced in or previous to the year 1931-32 in the Hissar district ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a), (b), (c) and (d) The attention of the honourable member is invited to the reply given to Council question No. 995¹.

(e) The question of remission will be considered on the merits of each case in accordance with the rules.

RESOLUTIONS.

CONCESSIONS TO AUCTION PURCHASERS OF LAND IN SHAHDARA TAHSIL,
SHEIKHUPURA DISTRICT.

Sardar Sahib Sardar Gurbachan Singh (Jullundur, Sikh, Rural) :
Sir, I beg to move—

This Council recommends to the Government that the rights of Dakhalkars, reduction of price of land and other concessions, as per Government letter No. 1386-C. S., dated the 29th September 1932, advertised in vernacular, by the Deputy Commissioner, Montgomery, in a notice, dated the 26th October 1932, allowed to the purchasers of the lands in the Montgomery District, Lower Bari Doab Colony, should also be allowed to extend for the same reason to the land purchasers of the same years in the Shahdara Tahsil, Sheikhpura District, Upper Chenab Colony, non-perennial channels.

I will not take much time of the House in regard to this resolution because this resolution is identical with the one moved by me in February 1931, which the Government very kindly accepted and on the basis of which issued the letters mentioned in the body of this resolution. I may, however, by way of reminding the House read out passages from the speech of Mr. Calvert, the then Financial Commissioner, Development. It is contained in Volume XVIII at pages 84 and 35 of the Punjab Council Debates. Mr. Calvert very sympathetically said :

The question of affording relief to those who have purchased land during the various auctions held in the last six or seven years has been constantly under the consideration of the Punjab Government and the Punjab Government has agreed in a very generous manner to release a large number of auction purchasers from sums due by them under their contracts with Government.

He further said—

Government does not in the least deny that great hardship has been caused among these, especially those who bid rather over-high for the lands they purchased and has, as I have said, tried to meet in a very generous manner indeed, the cases of all auction purchasers who have paid more than the earnest money.

Similarly, Mr. Calvert says later :

These people have agreed that if they default the instalment the land is to be re-auctioned and they will be liable to make good the loss of any difference in price between what they bid and what was bid at the later auction. Government does not intend to press that condition under the contract. It has relieved them entirely of that very great obligation under their contract.

I hope I have said enough to explain to the House firstly how very anxiously Government is considering the cases of auction purchasers, not only those mentioned by the honourable mover, but all those who bid at auctions from 1925 onwards.

I do not think that there is much to be said about it by me and I hope that the honourable the Deputy President whose district really this resolution concerns will explain all the difficulties that the zamindars feel in the district.

In the end I should say that I am rather fortunate to have the same Honourable Revenue Member who is more ripe in experience now, having had the chances of administering this province as a Governor. I am also lucky in having Mr. Ferguson as Financial Commissioner, Development, in this House who is always keen to help the zamindars. I trust that they will both take a very sympathetic view of this resolution and do all they can for the poor zamindars who are hit hard. With these words I commend the resolution for the acceptance of the House.

Mr. President : Resolution moved—

This Council recommends to the Government that the rights of Dakhalkars, reduction of prices of land and other concessions, as per Government letter No. 1366-C.S., dated the 20th September 1932, advertised in vernacular, by the Deputy Commissioner, Montgomery, in a notice, dated the 26th October 1932, allowed to the purchasers of the lands in the Montgomery District, Lower Bari Doab Colony, should also be allowed to extend for the same reason to the land purchasers of the same years in the Shahdara Tahsil, Sheikhpura District, Upper Chenab Colony, non-perennial channels.

Chaudhri Allah Dad Khan (Ambala Division, North-East, Muhammadan, Rural): I rise to support the resolution under consideration. The concessions which have already been given to the auction purchasers in the Montgomery district in the Lower Bari Doab Colony are very material indeed and such concessions have been given to purchasers of land much better in quality than the lands covered by this resolution. The land in the Sheikhpura district, particularly in Shahdara tahsil, which is the subject of this resolution, is very much inferior and perhaps has one-tenth of the productive capacity of the land in the Montgomery district on which concessions have already been given. This can be best proved by seeing that the land in Shahdara yields only one crop during the year while the land in the Montgomery district for which concessions have been given yields two. Again the land in the Montgomery district has perennial canals running all the year round, while the land in Shahdara has non-perennial canals running only for four months in the year. In the Montgomery district, again, the land yields all sorts of crops, sugarcane, wheat, *makki*, bajra, rice and other crops. The land in Shahdara yields only one crop and that is the inferior sort of rice which is sold very cheap in the bazar, perhaps at Rs. 2 per maund. It can also be pointed out that the purchasers of land in Shahdara are less wealthy than those in Montgomery. It may be well known to Members of Government that the lands in Shahdara were given up by some of the men who had purchased them before and left as unfit for cultivation. They were again auctioned and the great difficulty under which the purchasers have been suffering is that they purchased the lands at the time when high prices were reigning for commodities. That accounts for the high rate realised for these lands at the auction. The bid rose very high as money was plentiful in those days and the purchasers had every hope of becoming the proprietors of the lands they purchased. But as ill-luck would have it in a very short period the prices had fallen very low, so low that the people had absolutely no means of making payment of the balances that were due from them. And these balances were very high. About a year ago the rate for the land went as high as Rs. 560 per acre. The land of a certain man who had purchased at auction was confiscated because he could not pay the balance of the money due. When it was auctioned the bid rose to as high as Rs. 560 an acre. The bid was made by one Takht Mal who is a big money-lender and who had command of money. But he soon realised the inferior quality of the land and did not make the full payment and the result was that the land was further put to auction after a certain amount had been realised from him. The only bid that could be got was at Rs. 40 an acre. This instance puts the case in a nut-shell. The utmost price that can now be charged from the people would be about Rs. 40 an acre. I wonder if even that price

[Ch. Allah Dad Khan.]

could be realised from the purchasers. The Government should really come to their help. When there are so many points in their favour I cannot understand why Government do not like to extend the same concessions which were allowed to the purchasers of colony land in the Montgomery district. (*An honourable member*: What were those concessions?) In the first place the sale prices had been reduced to about one-fourth of the original bid.

The Honourable Captain Sardar Sir Sikander Hyat Khan: Where did the honourable member get that?

Chaudhri Allah Dad Khan: I got it from heaven. The honourable member for Government can contradict me if he can.

The Honourable Captain Sardar Sir Sikander Hyat Khan: The honourable member has got it all wrong.

Chaudhri Allah Dad Khan: It will be open to the Honourable Revenue Member to correct the figures when he rises to speak. I give them according to my own information. In some cases the prices had to be reduced by as much as one-fourth of the original price. Is it not so?

The Honourable Captain Sardar Sir Sikander Hyat Khan: In no case has the price been reduced.

Chaudhri Allah Dad Khan: Then the rights of dakhelkars have been conferred on those people who have not been able to make payment. I am glad that this is not contradicted. Those people who have made any payments or paid as much as those in the Montgomery district should be given the status of occupancy tenants or dakhelkars as they are called, as long as they are not able to make the payment of the balance. Another concession given in the case of Montgomery is that proprietary rights are promised to be conferred on those men who make good the payments within thirty years at the maximum. They can pay off within a smaller period.

The Honourable Captain Sardar Sir Sikander Hyat Khan: I think the honourable member has mixed up the information which he has received from somewhere.

Chaudhri Allah Dad Khan: Of course I have not got the records which are available to the Honourable Revenue Member.

The Honourable Captain Sardar Sir Sikander Hyat Khan: The honourable member will do well not to go into details, if he is not sure of his ground.

Chaudhri Allah Dad Khan: I am only enumerating the concessions as the question has been put to me. Another concession is that the amount which has already been paid by the people in the Montgomery district has been credited to their account and not confiscated, and the people have been called upon to make good the balance due. In this case, however, either the money which has already been paid has been confiscated or letters to that effect have been issued.

As the Honourable Revenue Member wishes that I should not go into details, I shall content myself with saying that we want only those concessions which were allowed in the case of Montgomery and nothing more, although

our case merits more liberal concessions. (*The Honourable Revenue Member :* There are three separate sets of concessions. Which one does the honourable member want ?) I shall enumerate the concessions leaving it to Government to give such of them as meet their sweet will and pleasure. First, the conferring of the rights of dakhelkars, second, the extension of the period if not to thirty years at least to some period equitable and just within which the people can make the payments. And then I also want that the price which has been charged for these lands should be reduced and you should be guided by the case of that gentleman, Takht Ram, who purchased land in great eagerness at Rs. 560 per acre, and then that same land was sold for Rs. 40 per acre.

The Honourable Captain Sardar Sir Sikander Hyat Khan : The honourable member is going beyond the scope of the resolution and should be careful. On the Lower Bari Doab Canal we did not reduce the price of land.

Chaudhri Allah Dad Khan : These concessions should be given to these men who are still holders of land in these auction proceedings and to those from whom lands have been taken or confiscated on account of their failure to pay. These concessions should apply to all, not only to those who still possess these lands but to those who have left them and who were turned out from them and whose lands were confiscated. These concessions should apply to all for if anybody has been compelled to the extent of forsaking his land and his land has been confiscated, it is due to his utter incapacity. As long as the zamindar can afford to make payment he will never leave his land ; he will go to the last resource. The fact that these men have been compelled to leave these lands and see them confiscated clearly shows that the last resource was tried. The Government should have more sympathy for them than for those who are still in possession of land, and their case is harder still than the case of those who still possess these lands, for if these people are not helped they will be ruined. If they could afford the least amount they would have credited it to the Government. If you do not extend the concession to them they will be turned into robbers and thieves. As I said the last resource was tried and they failed to make payment. The only means open to them will be unlawful means wherewith to make a living, and in helping that cause Government will not only help the agriculturists but it will be helping the cause of keeping good government, the cause of good society. Government wants that they should remain members of good society and for that reason they deserve greater sympathy than those who are in possession of their lands. I have already pointed out some of the considerations which merit these concessions but there are others too and as the Honourable Revenue Member appears to me to be sympathetically inclined I need not take the time of the Council and I hope he will in his speech give some hope or promise and with these words I support the motion under consideration. (*Interruption*). My friend has come to my help. The reduction of price is mentioned in the resolution. It reads : " This Council recommends to the Government that the rights of Dakhelkars, reduction of price of land and other concessions..... " So I was not after all wrong and I did not go beyond the scope of the resolution.

The Honourable Captain Sardar Sir Sikander Hyat Khan : What I meant was that it is not a Lower Bari Doab Canal concession.

Chaudhri Allah Dad Khan : These concessions appear to have been given in two places.

The Honourable Captain Sardar Sir Sikander Hyat Khan : There are three different kinds of concession.

Chaudhri Allah Dad Khan : The reduction of price is also one of them. It says so in the resolution. So it is not beyond the scope of the resolution.

The Honourable Captain Sardar Sir Sikander Hyat Khan : You are perfectly welcome to say what you want to.

Chaudhri Allah Dad Khan : I need not repeat what has already been said, for I will not be allowed repetition, but there is another reason why these concessions should be given on these lands in a more generous spirit than on the Lower Bari Doab Canal. On the Lower Bari Doab Canal where there are two crops they have made some profit after all because if one crop has failed they have got something from the second crop, whereas on the Upper Chenab Canal if the only crop fails they make nothing. In the latter case people have suffered loss after loss. Some of them have run away; those that are still there are there on account of the hardness of their heart. Otherwise they would have run away too. This is an additional reason why you should give concession and even more concession to these people. I hope with these words the Honourable Revenue Member and other members will be convinced that their case is a deserving one for the kindness of Government, and with these words I support the motion under consideration.

Sardar Bahadur Sardar Buta Singh (Multan division and Sheikhpura, Sikh, Rural) : Sir, this resolution is very simple and the request made therein is for equal or similar treatment. The people of this tract of land do not want any extra concession but they want to be similarly and equally treated with their brethren in the Montgomery district. But I would like to draw the attention of this House to the two points which have already been raised by the honourable Chaudhri Allah Dad Khan who has just spoken before me. One is that the land is very inferior as compared with any other land not only in the Punjab but you will never come across such bad land throughout the length and breadth of India, and as my friend has already pointed out water too with which it is irrigated is not supplied throughout the year as it is only non-perennial. The second point to which my friend has also referred is that the people here have not been able to get the barest possible return on what they spent originally, that is to say, not even on the one-tenth instalment which they were required to pay at the time of making their bids, and especially during these days for the last three or four years when the prices have gone down so low, even in the best part of the country the zamindars have failed to meet Government demands and they have not been able to get the barest necessities of life out of their land. So that the first thing to do in the case of the zamindars who have such inferior land is to extend to them the same concessions which have been allowed to their brethren in the Montgomery district. I have already said that their land is of inferior

kind, and secondly, that the allotment of water too is very little. In some of these canals they can get 60 per cent. or 75 per cent. but here they get less than 30 per cent. with the result that there is less production, and less out-turn of crop is expected from this land. So, taking all these things into consideration, I have every hope that the Revenue Member, who has always been sympathetic where the zamindars are concerned, will come to their assistance. I do think that this is their just demand. Not only have they spent so much without getting any return but sometimes I cannot help admiring their courage and enterprise in that they are still sticking to that inferior land. If you think of the reasons why they are still holding on, you will find that some of them are Government pensioners. They get their pensions all right and pay revenue dues and *abiani* and water rates out of them. Otherwise it is simply impossible on their part to pay even their Government demands not to say of their making any profit out of that land.

My friend has already advanced all the points which I wanted to make before this House and I need not repeat them. All that I want to say is that our request is a very reasonable one. We do not want anything extra. All we want is that the concessions which have been extended to zamindars in the Montgomery district should be extended to the zamindars on the Upper Chenab Colony in the Shahdara tahsil also.

The Honourable Captain Sardar Sir Sikander Hyat Khan (Revenue Member): Sir, I must confess that I have not been able to understand, from the wording of the resolution, what the honourable member really wants. The honourable mover in the first place desires that the concessions granted to the purchasers of lands in the Montgomery district should also be extended to the purchasers of land in the Shahdara tahsil of the Sheikhpura district. My difficulty is this: In the Montgomery district, i.e., the Lower Bari Doab Canal Colony, we gave three separate sets of concessions to three different kinds of purchasers who bought land at different times. For instance there was sale by auction in 1925-26, and to the 1925-26 purchasers we gave certain concessions which are not identical with those given to the 1927-28 purchasers, or to the 1930-31 purchasers. It is not clear from the resolution as to which set of concessions the honourable mover desires should be given to the purchasers of land in the Shahdara tahsil, that is to say, whether he desires that concessions given to 1925-26 purchasers should be extended to the purchasers in Shahdara tahsil or those given to the 1927-28 or 1930-31 purchasers. Had the honourable member been more clear and specific on that point it would have made my task easier. (*Interruption*). However, I take it that the honourable member wants the most generous of these three sets of concessions to be applied. (*An honourable member*: Yes). Again, I do not understand why the honourable member has confined his recommendation to Shahdara tahsil only. I found on looking through the papers that some land was sold in the Nankana Sahib tahsil as also in the Sheikhpura tahsil. Perhaps the honourable member was unaware of this, and that is why he has not included these tahsils in his recommendation.

[Hon. Captain Sardar Sir Sikander Hyat Khan.]

Before I indicate to the House what the Government is prepared to do in regard to this matter, I think it may be of interest to my honourable friend on my right, the member from Hoshiarpur, to know the conditions of sale on the Lower Bari Doab Colony and the Upper Chenab Colony, as also the concessions which we have been giving from time to time in the Upper Chenab Colony. The conditions of sale in the Upper Chenab Canal were (1) the auction was open to all and sundry including Hindus and non-agriculturists; (2) 10 per cent. of the bid price was to be paid at the fall of the hammer; (3) interest was to be charged at 8 per cent. per annum on the overdue instalments only (not on the balance of the purchase price); (4) balance of the purchase money, if not paid within three months from the date of the sale, was to be paid in six equal half-yearly instalments; (5) no *malikana* was to be charged; (6) no penal interest was to be charged on overdue instalments. In the Lower Bari Doab Canal the conditions were (1) payment of 10 per cent. of the price bid on the fall of the hammer; (2) five years cultivation free of instalments, but subject to the payment of *malikana* at the rate of rupee one per matured acre; (3) initial remissions for the first four harvests, which meant that during these four harvests no land revenue, water rate, or cesses were to be charged; (4) the balance of the purchase money was payable on the expiry of five years in (a) six half-yearly instalments in the case of tenderers, and (b) ten half-yearly instalments in the case of auction purchasers; (5) interest was to be charged after the expiry of five years at 6 per cent. on the unpaid balance of the purchase money; (6) no penal interest was to be charged on overdue instalments. The House will thus see the difference between the two sets of conditions. The biggest difference, however, is the difference in the price. I am sure the House will be interested to know that whereas the price on the Lower Bari Doab Canal in the case of land sold by tender was on an average Rs. 321 an acre, the price in the Upper Chenab Canal was only Rs. 91 per acre. Again in the Lower Bari Doab Canal the average price of land sold by auction was much higher, about seven times that of the Upper Chenab Canal. The average price of land sold by auction there was Rs. 605 an acre. So, when the economic depression set in it was obvious that it would be impossible for the purchasers to pay such high prices and we decided to give them generous concessions. On the Upper Chenab Canal the average price bid was much lower and consequently it cannot be reasonably argued that the same consideration should be shown to the purchasers in the Sheikhpura district. Moreover they have paid only Rs. 25 per acre towards purchase price whereas in the Lower Bari Doab Colony the initial instalments paid by the purchasers were Rs. 50 per acre.

It would perhaps also interest the House to know what concessions we have hitherto given to the purchasers of land on the Upper Chenab Colony from time to time. I have read to the House the original conditions, but these conditions were altered and certain concessions were given from time to time with a view to assist the purchasers in the Upper Chenab Canal Colony even before the slump set in. In 1927 the purchasers were permitted to pay the balance of the purchase money in five yearly instalments instead of six half-yearly instalments. Then, in 1929 the period for the payment of the balance of the purchase money was extended to 15 half-yearly in-

stalments. It was also ordered that there was no objection to persons, who had already defaulted and their land was resumed, being allowed the option of paying up under the new terms. In January 1930 the auction purchasers represented that the balance of the purchase money should be recovered in 80 half-yearly instalments. After full consideration of the case the following orders were issued :—

- (a) those who had paid no instalments over and above the original deposit should have their lands resumed ;
- (b) where instalments had been paid in addition, the following alternatives were to be offered—
 - (i) if, after deducting from the sum paid interest due up to *rabi* 1930, any balance remained, the purchaser was to be allowed to retain in proprietary rights area which he could have secured or such a balance at the rate bid, the unit of allotment being one or more contiguous line of *killas*, or
 - (ii) if the purchaser failed to avail himself of the above concession by June 1931, he was to be permitted to pay the balance of principal and interest at 8 per cent. due up to *rabi* 1930 in 15 annual instalments beginning from *rabi* 1931. Interest was thenceforward to be charged at the reduced rate of 6 per cent. per annum.

It will thus be seen that Government has been giving very generous concessions from time to time to these people on the Upper Chenab Canal in spite of the fact that the prices which they originally bid, and the very small fraction of it which they had paid, were much less as compared with the prices bid and the amount actually paid by the purchasers on the Lower Bari Doab Canal. But I admit that the economic depression has made conditions very difficult and in spite of the arguments to the contrary Government is prepared to go even further in this case and grant them more or less the same concessions which have been given to the purchasers on the Lower Bari Doab Canal (*hear, hear*). I may also mention that these concessions will not be confined to the Shahdara tahsil only. I think it is only equitable that we should extend them to the whole of the Sheikhpura district. The Government has decided to give the following concessions which I think are even more generous than the concessions which the honourable member from Ambala demands. I will, with your permission, Sir, read out the orders which the Government propose to issue. In the case of lands in the said area in the Upper Chenab Colony, which have been resumed but have not yet been re-allotted.—I should like to draw the attention of the House to this point, because the House should understand it clearly that nothing can be done in the case of land which has been resumed and re-sold or re-allotted—Government is prepared to grant, on application—I hope the honourable members will give as wide publicity as possible to this so that the people may take the fullest advantage of this concession—by the grantee concerned, both (a) proprietary rights to the nearest *killa* paid for as at the rate bid at the auction ; and (b) occupancy rights in the remainder

[The Hon'ble Captain Sardar Sir Sikander Hyat Khan.]

and the right to purchase the said remainder at the rate bid at the auction on the conditions as regards the acquisition of proprietary rights applicable to peasant grantees in Upper Chenab Colony. I am sure the honourable mover will appreciate that Government is giving far greater concessions to the purchasers of land in the Sheikhpura district than he has asked for in this resolution. (*Cheers*).

Sardar Sahib Sardar Gurbachan Singh : In view of the speech delivered by the Honourable Revenue Member I beg leave to withdraw the resolution.

The resolution was by leave withdrawn.

RE PROPAGANDA AGAINST THE USE OF ALCOHOL AND OTHER
INTOXICANTS.

Mr. E. Mayadas (Nominated, non-official) : Sir, I beg to move—

This Council recommends to the Government to make provision of a sum of five thousand rupees in the next year's budget for propaganda purposes against the use of alcohol and other harmful intoxicants.

I will first try and show how the use of alcohol and other harmful drugs is on the increase. It was on the 27th of February 1930 that the Honourable Minister for Agriculture while making a speech, furnished us with some information. At that time it was said that the net profit which Government was making in the Excise Department was something like 75 lakhs of rupees. But since then in 1930-31 it rose to 99 lakhs. But later it fell. In 1931-32 it fell to 88 lakhs and in 1932-33 it fell to 82 lakhs. I have not got figures later than that. The Government report for the year 1932-33 gives an explanation for this decrease and says that it was due to the general depression, but does not suggest that it was due to any lack of desire on the part of the people to drink. I will now give figures which will give some idea of the quantity of liquor that is consumed. In 1910 it stood as high as 441,000 gallons, but by careful efforts on the part of the Government by the year 1923-24 it had fallen to 122,000 gallons. In 1927-28 it rose very high, 540,000 gallons. In 1928-29 it again fell to 362,000 gallons. In the Government report for 1932-33 the quantity in gallons has not been worked out, but for every 100 persons the quantity consumed in 1931-32 is 1.24 and in 1932-33 it was 1.19. I think that if this is worked out in gallons it comes to less than 300,000 gallons.

The Honourable Minister in the course of his speech made a comparison of the number of shops in this province with those in other provinces. For every 100,000 of population in the Punjab there were 3 shops. In the United Provinces there were 5 and in the Central Provinces 15. This shows that there is yet great scope for the further spread of the drink habit, that it is possible for us to have as many as 5 times the number of shops we have got. Then in the year 1928-29 as many as 183 illicit stills were discovered, and the number of persons convicted for illicit distillation was 565. In the year 1932-33 the number of illicit stills was 335, that is, they had increased from 183 to 335, and the number of persons convicted had increased to 1,342. Then again there was increase in the number of licences. In 1923-24 the number of licences were 578 and in 1926-27 it was 661. As regards shops, in 1906-07 they were 1,292 and Government cut them down

to 674 in 1928-29. The report for 1932-33 shows that the number of shops had again slightly increased to 682. All this will give some idea of the extent of consumption of liquor in our province.

Just a few figures regarding other drugs. In 1931-32 the opium consumed for 100 of the population was .12 seers and in 1932-33 also it was .12 seers. It is very suggestive that owing to general depression there was a decrease in the case of liquor, but in the case of opium there was no decrease. In the case of charas there was a slight decrease. In 1931-32 for every 100 persons it was .26 seers and in 1932-33 it was .06 seers. Thus there is a fall. In the matter of bhang, in 1931-32 it was .39 seers and in 1932-33 it had increased to .52 seers, so that in spite of the depression in the case of bhang there was an increase. Now, apart from this consumption we have also to take into consideration the matter of illicit distillation, and this has now increased to such an extent that Government in their report for 1932-33 have felt compelled to remark that it is not possible to compete with the illicit producer. His facilities are so great, his chances of making money so large and his chances of escaping punishment so favourable that he is able to carry on his trade without much concern. One reason why in some of the districts it has become easier to manufacture is because of the supply of "Rab" from new sugar factories. Then Government have also made a remark in the report that the manufacture of illicit liquor is becoming so common as to have become a sort of cottage industry. Where illicit distillation is on the increase and seems to have taken a deep root, there Government feels compelled to open shops and that explains how the increase in the number of shops is brought about.

As regards opium, much of it comes from the hills and the report says that the smugglers are very active and that the present conditions are even more favourable than before and it is more easy for people to buy from the smugglers than before. As regards charas the Government report says that whereas it is very desirable that this deleterious drug should be prohibited, there are so many routes from across the boundaries of our province that it is impossible to control the import. One reason why so much of smuggling in liquor and other drugs goes on is because of the position of the Indian States, how they are wedged and how in the length of our boundaries are increased and therefore the proper guarding of the boundaries becomes a much more difficult matter.

I will make just a few observations about the evils of drink. You might have heard the same thing over and over again, but even at the risk of boring you I will say a few words. There are some matters in which we are compelled to repeat the same arguments again and again lest the matter be lost sight of. There are moderate drinkers and there are heavy drinkers. No one ever becomes a heavy drinker until he is first a moderate drinker and since we do not know what a man will turn out to be, hence it is our duty to be watchful from the beginning, because every man is an asset to the country, and we should be careful lest we lose him by his becoming a heavy drinker.

[Mr. E. Mayadas.]

I would first of all like to lay emphasis on the point that no insurance company would insure the life of one who drinks at the same rate at which it would insure the life of an abstainer. His premium will be heavier. No heavy drinker ever rose to be able to perform great deeds. Some years ago we heard of Lindbergh having flown the Atlantic. One of the reasons attributed for that great performance was that he never touched drink. Only to-day we have read in the papers about Mr. Scott having won the Melbourne Air Race. Can any one of us imagine that this would have been possible had he been a drinker or if he took to drink while in the aeroplane or before he started? No man under the influence of drink has ever been able to perform great deeds, on the other hand it is under the influence of drink many undesirable things happen of which we are all too well aware.

I think, Sir, that it is an admitted fact that about 75 per cent. of crimes that are committed can be traced to drink. Over fifty
4 P.M. per cent. of the accidents in railways and motor cars can be traced to drink. But there are worse things than that. There are times when a man wants to commit murder or dacoity but he is not able to get the full courage to do this and then he goes to have a good drink and under the influence of that drink he is able to do things which he would never have done otherwise. Only yesterday I came to know of one case where a boy who had got into the habit of drink was prepared after a good drink to commit murder for the sake of ten rupees.

Mr. Nanak Chand Pandit : Where was that ?

Mr. E. Mayadas : Somewhere in Jullundur. There is another matter connected with drink, the transmission of the weakness to children. If we go to a lunatic asylum and ask for the history of the inmates there, we will discover that 75 per cent. of the past history of these people is connected with drink. Sometime back I saw in the room of the Honourable Minister for Agriculture a number of charts which gave some very useful, interesting and striking information gathered in America. I think if similar charts are prepared in India they will prove very beneficial.

In brief I will suggest a few propaganda methods. Books very largely can serve the purpose, literature for primary and high classes. A little of such literature exists in the country and more can be prepared. And then charts and magic lanterns and any other means which may appear advisable after consulting other provinces or from the experience of other countries may be employed.

If I am not mistaken the Governments of Madras, Central Provinces, and the United Provinces are making grants for such purposes. I have been told that the figure of 5,000 is too small. I know that and I feel I should apologise for having fixed such a small amount. When our budget is something in the neighbourhood of ten crores, the figure of Rs. 5,000 is small. But about a larger amount it can be stated that it cannot be spared. This small sum is like اونٹ کی ڈالہ میں زیر

There are some people who raise objection and ask which religion allows the use of intoxicants. If religions do not allow why need take any trouble over it? But what religion allows murder, dacoity or theft? But still

these things take place and the restraint of religion alone is not sufficient in such cases. Sir, there is great possibility of a lasting impression being made on the minds of children if such books are placed in their hands and if they come to understand that drink is the way for ruining their lives and if they once take a dislike to the use of drink and other intoxicants then when this generation comes to take their place in the world, what a volume of opinion there will be against the use of intoxicants! Therefore it seems to me that this is the most easy way of teaching people of our country the evils of intoxicants. It might be asked whether this will bring about total prohibition. It will not, but the number of people that will be opposed to the use of intoxicants will be considerably increased and this will gradually bring about the desired change, money now being spent on drink will be saved, savings bank accounts of the people will be larger, the number of murders will decrease and the number of prisoners will decrease, the number of court cases will be less, the number of dacoities will decrease and we will in due course save our opeople from untold misery.

Mr. Nanak Chand Pandit : How will the lawyers live ?

Mr. E. Mayadas : And we will be bringing about happiness and joy in the lives of the people. With these words I place my resolution before this House.

Mr. President : Resolution moved—

This Council recommends to the Government to make provision of a sum of five thousand rupees in the next year's budget for propaganda against the use of alcohol and other harmful intoxicants.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural) : Sir, the speech that has been made by the honourable mover was well reasoned and has been supported by facts and figures. No lengthy speeches are therefore needed to support the resolution. It is undoubtedly true that the harm that alcohol is doing and the havoc that it has created is too obvious to need any detailed mention. It is also quite true that all religions forbid it and there are so many organisations amongst the Hindus, Muslims and Sikhs that are doing very useful work to counteract the effects of alcohol. But unfortunately the evil is so deep-rooted and is so widespread that some sort of earnest propaganda is needed and it cannot be denied that any propaganda that is done by the Government is sure to succeed. Because it cannot be denied that the people have still faith in any propaganda that is done by Government; they listen with confidence to what the Government have to say in matters like this and they have also faith in the stability and soundness of any work that is started by the Government. Therefore I would suggest that it is high time that the Government should make a small beginning which might bring very desirable results in the near future. There is another aspect of this that the time for this propaganda is very psychological. As a matter of fact, the economic depression through which we have been passing is, I should say, in this respect at least, a blessing in disguise. It cannot be denied that the economic depression has told upon the pockets of the zamindars and the consumption of liquor has considerably decreased, and if serious work is undertaken at this moment results will certainly be very hopeful. The sum that has been suggested by my honourable friend is certainly a very paltry amount and the results which are likely to accrue

[S. Arjan Singh.]

are certainly out of all proportion. Therefore I would suggest that such a modest and moderate sum as has been suggested by my friend should be accepted and the Government should give an index of their sympathy that they always have for the masses by accepting this resolution. With these words I support the resolution.

Lala Bhagat Ram (Jullundur-cum-Ludhiana, Non-Muhammadan, Rural) (*Urdu*): Sir, the resolution moved by my honourable friend is very important. He has really pointed out a very big evil which is sapping the very foundations of our society and we should all try hard to eradicate it. The habit of drink is undoubtedly difficult to shake off and people, in spite of their poverty and pennilessness, maintain this evil at all costs, but with proper propaganda and preaching work one can do a lot to hasten its end. It is on account of the habit of drink, as the mover has rightly pointed out, that crimes are on the increase in our province and the general condition of people's health is not what may be desired. The sum which the honourable mover has demanded to be earmarked for purposes of propaganda is not too much for such a noble object. I hope the Government will not grudge him this paltry sum. If the Government agrees to setting aside the proposed sum the people will be convinced of their earnest solicitude for the welfare of this country. But I have my fears that the Government will not be prepared to forego an income of one crore of rupees which accrues to it by the auction of liquor shops. But it will not be difficult for them, however, to forego even this big source of revenue if the desire of doing good to the public is uppermost in their minds. I will support the resolution on religious grounds also. Propaganda against intoxicants will block the way of immorality. With these few words, Sir, I lend my whole-hearted support to this resolution.

Chaudhri Allah Dad Khan (Ambala Division, North-East, Muhammadan, Rural): Sir, the speech that has been made by the honourable mover is so well reasoned and has been so supported by facts and figures that I will take only two minutes for just making one useful suggestion. There is no doubt that the able way in which the mover has moved this resolution has convinced all the non-official members at least that this is a very useful movement to be undertaken by the Government and the only difficulty perhaps would be for the Government to earmark some money for it in the present state of our finances. So I want to make this suggestion that the Commissioner, Rural Reconstruction Department, should include this in his propaganda. (*Hear, hear*). Because there is no doubt that drink habit is at the bottom of so many quarrels and evils in the villages which lead to deterioration in agriculture and deterioration in morals, abduction of females and murders and dacoities. It is thus most appropriately the function of the Rural Reconstruction Department to train people in a way in which greater prosperity may be ensured for them. Until they can give greater attention to agriculture, how can they prosper? You know a drunkard is very badly fitted for agriculture. Many a time he remains in bed till 8 or 9 A. M.

Mr. President: The question now before the House is whether the sum specified in the resolution should be provided for in the budget for the

next year. If the House passes the resolution and the sum is budgeted, then the question may arise how it is to be spent.

Chaudhri Allah Dad Khan : I simply wanted to give the suggestion to Government. If the Government could give this assurance, perhaps the honourable mover would withdraw his resolution. As for the object of incurring this expenditure it is a very laudable one so that no one can have any hesitation in accepting this resolution and it should be pointed out to Mr. Brayne that his programme should also contain work in this direction. With these words I support the resolution.

The Honourable Sardar Sir Jogendra Singh (Minister for Agriculture): I have heard the speeches in support of the resolution with very deep interest as they indicate that members are alive to their duty in promoting the cause of temperance. Before I proceed further I just want to go into the figures which the honourable mover of the resolution quoted in support of his contention, that, both the consumption of drink and opium had increased. So far as our figures are concerned, his contention is not borne out. Illicit drinking is not on the increase. In 1927-28 there were 655 shops and the consumption stood at 388,158 gallons. In 1932-33 there were 682 shops and the consumption stood at 281,842 gallons which I am sure the honourable member will admit registers a decline. In the matter of opium, in 1928-29 the excise opium stood at about 37,480 seers consumption while in 1932-33 the figure was 29,103. In the matter of charas, I admit there has been a slight increase from 15,105 seers in 1928-29 to 15,292 seers in 1932-33. Throughout the period in which I have held the portfolio of excise it has been my endeavour to support the cause of true temperance, and that policy has succeeded. Madras and Bombay have now come to accept the policy which we initiated in the Punjab, with the support of the House.

Coming to the main point of the resolution that a certain amount of funds should be devoted to propaganda in the interest of temperance, perhaps the honourable mover of the resolution is not aware, that from 1930 onwards, I have been making donations to temperance societies which have shown good work in this direction. In spite of financial stringency in 1929-30 the Punjab Government gave a donation of Rs. 1,000 to the Punjab Temperance Federation, Amritsar. In 1930-31, we gave another Rs. 1,000 to the Amritsar Temperance Society; in 1931-32, Rs. 1,000 to the Punjab Temperance Federation, Amritsar, and Rs. 1,000 to the Amritsar Temperance Society; in 1933-34, Rs. 500 to the Punjab Temperance Federation, Amritsar, and Rs. 500 to the Punjab division of the Women's Christian Temperance Union of India. Therefore I can assure the honourable mover that I have been in full sympathy with the views which he has advocated in his speech.

There is one more point which I should like to mention and that is the question of illicit distillation. The honourable member quoted the number of distills captured as an evidence of increased weakness in the excise administration. On the other hand the capture of these distills indicates the results of a vigorous excise policy, to prevent the manufacture and use of illicit liquor. The honourable mover said that it was easy to counteract the desire

[The Hon'ble Sardar Sir Jogendra Singh.]

for drink by publishing books and prescribing them in the primary and high schools. If I may respectfully submit, I am sure he would admit that where religion has failed, it is not possible for any books of less weighty authority to gain greater ground.

Before I conclude I wish to congratulate the honourable member, Chaudhri Allah Dad Khan, who said that he was going only to speak for two minutes. His knowledge in all matters is so limitless, that he can speak for hours on any question that comes before the House. I feel really gratified that on this important matter he thought only two minutes would suffice and he has kept his word.

I am sure the honourable mover will admit, that neither my friend sitting in front of him, nor I, have any desire to sterilise the virility of the coming generations by providing for them drink nor have we any desire to provide spirits for people so that they may be spurred on to crime. We, both, and, I think, every member on the Government benches are anxious to bring under control both illicit distillation and as far as possible the habit of drink.

I may say that it is not at present necessary to provide any definite sum in the hudget. We have a reward grant from which I have been meeting any demands that have so far been made and as any evidence of work on temperance lines is brought to the notice of the Financial Commissioner, Revenue, or to my notice, we can promise him a very cordial support. I do not wish to oppose the resolution.

Mr. E. Mayadas : In view of the reply of the Honourable Minister, I beg leave to withdraw the resolution.

The resolution was by leave withdrawn.

RE PUNITIVE POLICE.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, Non-Muhammadan, Rural : I beg to move the resolution which stands in my name. The resolution is to the following effect—

This Council recommends to the Government that before a force of punitive police is quartered at any place the inhabitants of that place should be supplied in writing with a statement of the grounds on which punitive action is based and of the term for which and the strength at which it is proposed to quarter the said force in order that the said inhabitants may have an opportunity of making such representation as they consider necessary and the local Government may have before it the other side of the picture when final orders are passed.

I feel that the proposal which is embodied in this resolution is very simple and just as moderate and modest as the proposal which was contained in the resolution which was moved by Mr. Ernest Mayadas and which received the support of members from various quarters of the House. The resolution which I have moved involves a very important principle and in view of the importance of the principle involved I have no doubt that it will receive the earnest attention of the various sections of the House including the official benches.

The practice of quartering punitive police at any particular place involves the principles of what may be called vicarious punishment, the punishment of a large number of men for the offence or faults of certain other people

✓ who have remained undetected. Whenever a punitive force is stationed at any place the plea on which that action is sought to be justified is that certain people have committed offences of a more or less serious character and those offences have remained undetected. As the people of that place are supposed to be under an obligation to render all necessary help for the detection and punishment of the crime, Government thinks that there is a justification for the stationing of punitive police whenever the inhabitants of a particular village or town have failed to render that assistance. My answer to this plea is that the failure of the police, in many cases, to detect and punish crime may be due as much to the inefficiency of the police force as to the reluctance of the people to help and it becomes really very difficult to judge and decide whether the fault lies more at the door of the police than at the door of those people whom it is proposed to penalise for the faults of others. I think I can with reason urge that it is a vicious principle to punish people for offences which have not been committed by them. This principle of punishing a certain class of people for the offences and crimes committed by certain unknown people is one to which naturally objection can be taken by all fair minded people. Why should there be any punishment imposed upon innocent people for the offences of others who have themselves escaped that punishment. It is true that normally speaking it is the duty of every citizen to render all help of which he is capable in the detection and punishment of crime. That is a duty which every citizen owes to society. But at the same time it is wrong in principle to punish people for the faults of others. As this principle is very important I think I can reasonably appeal to the House to take a very deep view of it. We should not confine ourselves to a shallow view of this principle and this practice.

(At this stage Mr. President left the Chair and it was occupied by Mr. Nanak Chand Pandit.)

Government, of course, finds it very convenient to impose punitive police because if the force which is employed by Government for the particular purpose of detecting and punishing crime fails in the discharge of its duty and the punishment is imposed upon other unoffending people that in a way helps to conceal the failure of that force. Thus this principle of vicarious punishment is objectionable on two grounds. The first ground is that it is improper to punish innocent people for the fault of others and the second ground on which this principle can be attacked easily and with reason is that it helps to conceal the inefficiency of the force whose duty it is to detect crime and to bring the guilty to book by recourse to courts. Therefore when I make a request to Government by means of this resolution that they should give an opportunity to those whom the order will ultimately affect to present their own side of the picture, I am not making any unreasonable request at all. The principle of vicarious punishment is, as I said in the very beginning, a vicious principle and if in certain stages of development of society recourse is had to it then it is the business of Government to see that vicarious punishment is imposed after all possible and necessary precautions have been taken to ensure that people will not be condemned without being given an opportunity of being heard. That is the underlying motive of my resolution, that is the underlying object which I wish to achieve by means of

[R. B. Ch. Chhotu Ram.]

this resolution. I maintain that if under certain circumstances Government still finds itself compelled to resort to this principle and practice of vicarious punishment it is the duty of Government to give every possible opportunity to those who are affected by its orders to present their own side of the picture. It is true that some inquiries are made by local officers. The district magistrate and the superintendent of police make the preliminary inquiries and then the result of those inquiries is forwarded to the commissioner who forwards the result of district officer's inquiries with perhaps his own comments to the Inspector-General of Police and ultimately the Home Member deals with the case and orders are passed. It may be urged that when inquiries have been made by district officers and have been endorsed by the Commissioner and then sifted and scrutinised by head-quarters officers the need for the present resolution disappears. I beg to submit that the need for this resolution is just as great as it would have been if the question had not been dealt with by the officers through whose hands the original proposals now have to pass. The district magistrate is now-a-days very hard-worked indeed. He has such an unending series of duties to attend to that he must necessarily and naturally depend upon the reports which he receives from the police officers, and police officers, although all of them are not bad, have certainly a reputation on which it is not easy to congratulate either them or ourselves. It happens many a time that a single police officer gets offended with the people of a village over something and takes it into his head to see that that village is punished and punished seriously. One of the ways in which a whole village can be punished is to see that punitive force is stationed in that village. Of course I do not say that this happens very frequently, but there may be cases in which this does happen. Then there is another very serious difficulty which arises from the stationing of punitive police at a particular place. It really lends itself to a good deal of abuse on the part of local police force which is stationed at a village. The members of this force can, if they so desire, stir a good deal of litigation and mutual bitterness in the village in which punitive police force is stationed. The very fact that a police force is there is fruitful of ugly happenings. The police force generally consist of people who have absolutely nothing in common with the villagers. They may be entire strangers, who cannot be expected to have the same respect for village traditions, for the women folk of the village as people of the village itself will have, and though it is a very unpleasant thing to refer to still it does happen and happen fairly frequently that the strangers make themselves responsible for incidents of a very unsavoury character in the village. This leads to a good deal of discontent against the administration. People feel that the misdeeds of petty officials of the police are really such as would throw discredit on the administration as a whole. In fact there are few departments, the harshness of whose methods or whose misdeeds bring greater discredit upon the administration or bring greater bad name upon the Government than the improper manner in which sometimes petty police officials behave themselves in the countryside. The misdeeds are those of a few, of practically irresponsible men, of men of no position, of men of ill-developed sense of duty. But as these men are the employees of Government, as they are public-servants their misdeeds will necessarily bring bad name upon Government. Therefore unless it is absolutely essential that a police force should be sta-

tioned at any place it will be to the good of all if Government spares the people the rigour of this law and one way in which this can be done is to give an opportunity to the people concerned to say what they have to say against the proposal.

As things stand at present the inhabitants of the locality where it is proposed to station a police force are given no opportunity whatsoever to urge their objection to that proposal. They are not told what specific grounds there are on which the proposal for the stationing of punitive police is based. Generally speaking, they may come to know from the sub-inspector who possibly goes to the village where it is proposed to station a police force what the ground is. In a general rough manner they may come to know, but it is neither in a formal manner nor in a manner which will enable the people to fix exactly upon the alleged faults on which action is proposed. Consequently in many, practically in all, cases the case of the villagers goes by default. If they are formally informed of the grounds on which punitive action has been proposed against them, they certainly will make some representation either against the proposal itself or against its details. Ordinarily the objection will be against the proposal as a whole because nobody wishes to be saddled with extra expense and particularly expense in connection with the stationing of punitive police, but apart from the general objections to that proposal there are certain other factors. People never know for what length the punitive force will be stationed at least not officially and formally. They may hear vague rumours about the term for which punitive police is to be stationed in their village but official information is not actually conveyed to the people. I am speaking subject to correction, but that is my information.

Mr. J. W. Hearn : At what time? When the deputy commissioner formulates his proposal?

Rao Bahadur Chaudhri Chhotu Ram : They are informed neither at the stage when the deputy commissioner formulates his proposal nor are they informed formally at the stage when final orders have been passed by Government and the police force has been stationed there.

The Honourable Mr. D. J. Boyd : But there is always a proclamation in the *Gazette*.

Rao Bahadur Chaudhri Chhotu Ram : Is the term stated in the *Gazette*?

The Honourable Mr. D. J. Boyd : Yes.

Mr. J. W. Hearn : When would you like them to be informed?

Rao Bahadur Chaudhri Chhotu Ram : The object of this resolution is that the people concerned should be informed at a time when they will be in a position to make their own objections against the proposal itself, so that the deputy commissioner may have an opportunity of considering their objections and the Government may have those objections before it when it is passing final orders. That is my proposal. The stationing of punitive police furnishes an occasion for corruption. Such of the officials as are corrupt suggest to the people that they are in a position to have the punitive police lifted before its time or recommend its extension. That is another side of the picture which should not be overlooked. The people

✓ [R. B. Chaudhri Chhotu Ram.]

should be given an opportunity to urge their objections against the proposal. It will be for the good of all if the people are placed in a position to urge their objections. If the deputy commissioner knew what the people felt about the proposal or about its details it would not do any harm to anybody. If the commissioner knew what the people felt, it certainly would not hurt him; it would not hurt either the Inspector-General of Police or the Home Member or the Government to know exactly how the people felt about the proposal, whether they have any objections and if so whether those objections are in any way substantial or flimsy. If those things become known to the officers who have the power to pass orders, it will not do any harm to anybody. As a matter of fact it will on the other hand, result in advantage all round. One advantage of a moral character and on that ground of a fairly high value is that if people are given an opportunity to explain their own view point if people feel that they have been heard, then the discontent against the order will not be so bitter as it is now. Now the people feel that they are not given any opportunity to explain their side of the case. Reports are made by the police officials behind the back of the people, the deputy commissioner formulates his proposals and the commissioner makes his recommendations behind the back of the people. The Inspector-General and the Home Member give no opportunity whatsoever to the people to controvert the grounds on which punitive action is taken against them. This feeling of theirs that they remain unheard certainly generates an amount of discontent a portion of which can be easily avoided if they are given an opportunity to be heard. After all, what harm will it do to anybody, either to the officers of Government or the Government itself if people are given an opportunity to urge their objections against the proposal or against the details of the proposal or against the grounds on which punitive action is suggested against them? Personally I feel that it will not do any harm to anybody. It will not in any way affect the prestige either of the local officers or of the Government as a whole, whereas it will remove that sting out of the final orders which is now felt by the people. Everything is now being done behind the back of the people and no opportunity is given to them to make their own views known. When a man is condemned unheard he feels doubly aggrieved and I think he has a legitimate ground to feel aggrieved. Therefore the proposal which is contained in this resolution is, I think, eminently reasonable. It does not in any way embarrass the Government. It does not bind the hands of Government so far as the actual passing of final orders is concerned, and I think that Government will have no objection to such an opportunity being given to the people before it passes its final orders.

Mr. Chairman (Mr. Nanak Chand Pandit): Resolution moved--

This Council recommends to the Government that before a force of punitive police is quartered at any place the inhabitants of that place should be supplied in writing with a statement of the grounds on which punitive action is based and of the term for which and the strength at which it is proposed to quarter the said force in order that the said inhabitants may have an opportunity of making such representation as they consider necessary and the local Government may have before it the other side of the picture when final orders are passed.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Muhammadan, Rural) (Urdu): Sir, I thought that the honourable leader of the Unionist party would bring in some suitable resolution to serve his purpose but I

am disappointed to find that he has brought forward a resolution which will not achieve his object. When the whole body is suffering from impurity of blood, you cannot heal it by cutting off one of its limbs. When the whole police administration and the policy on which it is being run, are not above criticism, it is unreasonable for us to direct our attack against the punitive police alone. The local officers are not, as they are being depicted, unmindful of the public welfare. They do sympathise with the public but their sympathy is immaterial. So long as the theory of "the man on the spot" is in force, you cannot expect a better state of affairs prevailing in the country. The people may or may not raise a hue and cry on injustice being done to them, the man on the spot will always carry his point. The present policy of the Government has been responsible for bringing into existence a class of people who dance attendance upon local officers and it is through them that Government hears about or looks into the public affairs. I think none of the honourable members of the House is unaware of the present state of village life. In almost every village the people are divided into factions and there are people always ready to inflict serious injuries on others in order to serve their own ends. The sufferings of the people which are due to these factions and the presence of the rude and ill-mannered police cannot be removed with the help of this resolution. In other civilised countries like England the police force is a conscientious body of public servants. They dare not invite public criticism by doing any illegal act. But the case of our police is different. I wonder, when our honourable leader knows all this, why he thought it advisable to move a resolution like the one now before the House. We have very often protested against the imposition of punitive police on the ground that it does not serve any moral or public purpose. The existence of such a force is a relic of barbarism. This is an old institution the existence of which cannot be tolerated in these days of enlightenment. The object of the punitive police is to punish and keep under control certain bad characters, but it eventually creates trouble for even the most law-abiding people. We even condemn the very idea of punitive police. You are not living in Manu's time. It is now the twentieth century when these things are considered to be quite out of place. The Government should themselves realise that institutions like the punitive police are bound to bring discredit to them. With these words I would request the honourable mover to withdraw his resolution and would also point to Government that if they want to punish certain bad characters, the imposition of punitive police is not the only way to punish them but there are many other ways, for instance, you can restrain their nefarious activities by inflicting fines on them. In any case there is no use in pressing the resolution under consideration as it will not in any way improve the present situation.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural): I think there seems to be a misapprehension in the mind of the mover about the location of the punitive police in any village. He will probably agree with me when I tell him that all sorts of enquiries are made before this drastic step is taken. Ordinarily you will find that in all the districts a very few number of punitive police is located. I have been in charge of more than half a dozen districts and during a period of 15 years of service I think I had been able to get the approval of the Government for the location of the

[K. B. Malik Zaman Mehdi Khan.]

punitive police in about half a dozen villages. If you take the census of the punitive police throughout the Punjab, you will find that the number is very small. When all attempts fail to detect or punish crime in a village and when there have been a series of crimes, then it is the last step which the local authority and the Government are compelled to take. As regards the representation of the people I think no useful purpose will be served by provoking the people or by asking them to be more discontented when they know fully well that they are guilty and they have been responsible for the commission of a series of crimes and it is wrong to say that the whole village in which there has been a series of crimes is punished for the sake of a few. Every effort is made to sift truth and all classes of people who are peaceful or law abiding are excluded, such as the religious heads, widows, orphans and children and I have come across cases in which even sections of the population of a village have been excluded. Representations will serve no useful purpose because all the facts and figures are before the local officers. In the first instance the report is made by the police, then it comes to the deputy commissioner and then if the deputy commissioner finds that there is a *prima facie* case for the location of the punitive police he asks the tahsildar to go to the spot and make enquiries. The paying capacity of the people is also taken into account and the criterion of that is the land revenue paid by that village. As regards the term for the location of the punitive police it depends upon the seriousness of the crime and the number of offences. It has been said that because the police have failed to detect the crime, in order to conceal their inefficiency they resort to this step. I am sorry I am bound to differ from the honourable mover because it cannot be said that the police have failed to detect or punish the crime in a certain village while they have succeeded throughout the remaining portion of that district. As I have said before when they have failed altogether in detecting or punishing a series of crimes, the only step left for the Government or the local administration for the protection of the people is to take this drastic step and my experience is that this step has really led to the reclamation of the people (*hear, hear*) and there is very little crime during the location of the punitive police, not only during the location of the punitive police but even subsequently. As regards representations, it is an open secret. When such a step is taken by the local officers, at once the people come to know through the *thanedar* or the tahsildar and now-a-days, anybody who is aware of the mentality of the people knows it, not only anonymous representations but also signed representations are made to the district officer as well as to the higher authorities and these come back to the local authorities for further enquiry and report. Even after that report is complete, the thing is sent on to the commissioner, to the Deputy Inspector-General and to the Inspector-General and then to the Home Secretary and the Home Member. All these officers go through these records and into facts and figures and then come to the conclusion whether from the administrative point of view it is necessary or desirable to locate the punitive police. Under these circumstances I do not see what useful purpose can be served by asking the people to make any further representations. When they do not make any representations it is quite clear that they have nothing to say because they themselves in their heart of hearts know that they have been guilty. Any one who is acquainted with the village life can

very well remember that owing to class or village feeling people rarely come forward in this country to help the administration and that is one reason why this step is taken, so that the responsibility of the people may be brought home to them. With these words I oppose the resolution. (*Cheers*).

(*At this stage, Mr. Nanak Chand Pandit left the chair and it was occupied by the Deputy President.*)

The Honourable Mr. D. J. Boyd (Finance Member): After the excellent and able maiden speech on which I would like to congratulate our latest joined member (*cheers*), I do not feel that there is anything very much left for me to say. He has said a great deal of what I wanted to say and he has said it very well indeed. I think that after the last two speeches it is quite clear that ample opportunity for making representations is given to the people, I do not say given formally, but given in effect. If I understood the honourable member opposite, Chaudhri Afzal Haq, correctly, he himself admitted that opportunities for making representations do exist. The process, as we have just heard from the honourable member for Sheikhpura, which is gone through before additional police are quartered in any area is a lengthy one involving detailed enquiries during which people invariably get to know what is happening and have opportunities of making representations against the proposals and in fact do make these representations. I should think there are very few cases indeed in which extra police are quartered in any area without objections being made by the people. The honourable member referred to one recent case in which extra police have been quartered in something like 32 villages of his own district but he will remember that Government received a lengthy representation from himself before that was ever done. Obviously he knew what was coming. He made his representation and I can assure him that representation was very fully considered indeed. Before I come to what I might call positive arguments, there are one or two misunderstandings that I would like to remove, if possible. The honourable mover said, as I understood him, that punitive posts involved vicarious punishment and that they are imposed because the offences in a particular area remained undetected. That is not, I think, a correct representation of the position. The additional police are imposed under section 15 of the Police Act which says—

It shall be lawful for the Local Government by proclamation to be notified in the official gazette—

That is the first point I would call your attention to. A proclamation must be issued by notification in the official gazette in a certain manner—

And in such other manner as the Local Government shall direct, to declare that any area subject to its authority has been found to be in a disturbed or dangerous state, or that, from the conduct of the inhabitants of such area or of any class or section of them, it is expedient to increase the number of police.

This provision of law is not punitive. It is preventive. It is because an area is found to be in a disturbed or dangerous state that the number of police is increased, or if the conduct of the inhabitants is such that additional police is required then Government may quarter them. It is not of a punitive nature. They are additional police and that is what they are meant to be. They are additional police to prevent the continuance of a state of disturbance or danger in any particular area or to prevent the inhabitants

[The Hon. Mr. D. J. Boyd.]

of that area from continuing in a state of criminal activity. I think therefore that the honourable mover was mistaken in his description of the object of this provision of the law. Then the honourable mover said that the fault for this condition of any particular area is mainly on the police itself which has failed to detect the crime and prevent recurrence and it is wrong that some innocent people should be involved because of the fault of the police. Whatever the reason of the disturbed or dangerous condition of an area is, I think all speakers so far have forgotten the fact that there is a certain amount of communal responsibility in such matters. As we all know, the Indian village community was definitely in the old times a unit, a corporate body and that position has not yet entirely disappeared and by usage, if not by definite law, communities are held jointly responsible for the condition prevailing amongst them. That is a very useful institution. It helps to preserve village life and at the same time it helps to enforce, I think rightly, communal responsibility for the preservation of peace and in order to prevent gross injustice to individuals. We have another provision in the same section of the Act and that is—

The magistrate of the district, after such enquiry as he may deem necessary, shall apportion such cost among the inhabitants who are liable to bear the same.

And he has authority to recommend to Government that certain persons be exempted and as the last speaker stated in some cases a large number of innocent people are exempted from the duty of contributing towards the cost of the additional police.

There are certain reasons why Government cannot accept this resolution. The first reason why Government cannot accept this resolution is that it is unnecessary because in the present state of affairs the people have an opportunity of representing their case. Beyond that I should like to mention to the House, the result of proposals for additional police which have been made from 1st January 1932. Up to date 35 proposals have been made. Of these 9 have been turned down entirely by Government (*hear, hear*), slightly more than a fourth of the proposals; fourteen of these have been modified and it is only one-third of the proposals which have been accepted. I think it is very clear that proposals for punitive police are very carefully scrutinized throughout all the long chain of officers who consider them and that in the end it is very unlikely that injustice will be done. There are one or two other reasons. I would remind you that the Act under which additional police are imposed is an Act of 1861. It has been in force for 73 years, it has been known to work satisfactorily during the 73 years. Now it is very easy when we get democratic powers to scrap all the wisdom of our predecessors and say that the powers enjoyed by them are no longer necessary. It is an easy thing to say but it is an extremely unwise thing to do. At the present moment we have a new constitution impending and the part of the new constitution which has been most severely criticised by people who are called die-hards in the press is the transfer of law and order to the control of popular ministers and the whole of the Empire will look very critically indeed at the handling of law and order in the provinces under the new constitution.

Are we at the present moment going to weaken the hands of our future ministers in charge of law and order by compelling them to go through a process that is bound to involve delay and by preventing them from dealing rapidly with situations which will need the speediest cure and the speediest treatment? Are we going to do this foolish thing? I sincerely trust not (*hear, hear*). Of course the honourable mover might say as has been already said, that if the people do have opportunities of representing their case, why should we not make this a regular practice. The reason is that there are cases in which rapid procedure is absolutely necessary. There may be a serious state of affairs or communal feeling in a particular area and if it is not quickly dealt with by having additional police on the spot, there is bound to be trouble. The procedure of inviting objections and inquiry will take a considerable time as you are bound to give people sufficient time in which to make their objections. Then they will make no end of objections, against the sub-inspector, the zaildars, etc. and there will be allegations against everybody in the hope of delaying the imposition of the extra police or getting rid of it entirely. These allegations will take a long time to investigate and will delay proceedings very seriously indeed. The honourable member has refrained from mentioning the imposition of additional police on 34 villages of the Rohtak district which appears to have given birth to this motion. In that particular case, I think, the evils of delay are very seriously and very emphatically exhibited. In 1930 or 1931, there were in Rohtak district the murderous criminals Banwari and Har Phul. Banwari committed, I think, 4 murders and many dacoities if I remember aright. Har Phul committed 14 murders of 8 Hindus and 11 Muslims. We have got that in an answer to a question to-day and now we have Mughla against whom 15 murders were alleged, I think 12 cases of murder in which 15 murders had occurred. There were certainly 25 cases altogether against him of which 15 were murders. In 1931 after Banwari and Har Phul had been rounded up, His Excellency Sir Geoffrey deMontmorency went down to Rohtak district and he told the people how it has been proposed to impose additional police upon some villages of their district. I may quote his words:—

I cannot conceal from you that I think this terrible outbreak constitutes a most grave and deplorable blot on the good name of the Rohtak district, or, at any rate, on some parts of it. It is true that it is alleged that one of the chief gangs of dacoits was raised and gernealled by a person from outside this district, and that one of those alleged to have been most prominent in another of the gangs also came from outside the district. This may be so. Nevertheless, it is beyond dispute that a number of residents of this district joined these gangs and took part in their crimes. It is unfortunately also beyond controversy that the movements of the gangs and individuals connected with them were well-known to the residents of various villages in certain portions of the district; and they received shelter and help in a number of places; and numbers of people knew where the gangs kept their illicit arms and the proceeds of their crimes. Though it was realized that these gangs were a menace to the peace of the district, and that their continued activity meant the greatest peril to person and property, nevertheless neither those on whom is laid by statute the duty of co-operating with authority in giving information regarding cognizable crime and in helping to arrest its perpetrators, nor the general public, on whom a responsibility, perhaps not so precisely defined, but certainly definitely hallowed by the traditions of many a year, rests to render cognate service, did their part. There was, as I conceive it, a clear and regrettable dereliction of public duty.

His Excellency went on to say that while the imposition of additional police upon parts of the district was fully deserved,

Government has decided to place the district as a whole, and these tracts in particular, on probation.

[The Hon. Mr. D. J. Boyd.]

In 1931 the district was placed on probation. What happened after that? The life of Harphul was published in which he was extolled as a martyr and a champion of his community, an absolutely wickedly wrong attitude to take towards a murderer. The result was the outbreak of crime under Mughla who is believed to have murdered 15 people at different times over a long period, in Rohtak and Hissar, mainly in Rohtak. If the additional police which had been threatened in 1931 had been imposed on these 50 odd villages of Rohtak district at that time, I very much doubt whether we would have had the recent outbreak on the part of Mughla, who created a reign of terror throughout the district. I am fairly certain that he would never have been harboured and helped in the way in which he was helped to enable him to keep going for so many months, and commit so many crimes. It shows the evils of delay and perhaps the evil of weakness on the part of Government in refraining from doing what it really thought right at the time. I should say that 11 of the villages on which it was then proposed in 1931 to impose additional police are included in the 34 upon which we have now imposed additional police. I would ask you to remember that the present procedure gives ample opportunity for making representation, but it does not compel the Government to delay many months before taking action. I would also ask you to remember that action may be of an urgent nature in order to prevent outbreaks of lawlessness in which unfortunate innocent people suffer and I would finally ask you to remember that it is extremely inadvisable to weaken the hands of the administration when a new and democratic Government is about to take charge of law and order. (*Hear hear and cheers*).

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural): I rise to support the motion under consideration. In fact it is a matter of surprise to me that so much opposition has been offered by Government against this innocent provision being made in the Police Act. If you condemn a man in a most rigorous manner you should take his explanation. When you dismiss a public servant drawing even a salary of Rs. 15 per mensem you call for his explanation. When you fine these people for so many years and you take away their liberty and freedom in a manner unwarranted by law, then you do not take their explanation. If you admit that you are giving them opportunities of being heard, why do you refuse this open way of making explanations. My friend, the member for Sheikhpura, for whose maiden speech I have also some appreciation has experience as an autocrat or a bureaucrat. He must not go by his experience. He says every opportunity is given to the village where additional police is imposed. Well that every opportunity must include representation by the villagers. What are the opportunities that are given to the villagers? What do you mean by the word opportunity? The deputy commissioner sits in closed doors and people go to see him, most of whom are toadies. When they see that the attitude of the deputy commissioner is in a certain way they say aye to it. The deputy commissioner puts them a question, 'what about that village, it appears to be a very bad one?' They at once say 'yes full of thieves, full of murderers, full of robbers and dacoits and unless you take strong measures against it, there will be no hope for the people.' This is the sort of inquiry held and the opportunity given to the villagers. Why not make direct

inquiry? If you want to condemn a man you should hear him first. It is not a sound policy to punish a man without hearing him. The Honourable Finance Member has just now said that this procedure has been continued from year to year from the passing of the Police Act in 1861 and he says that it has worked well. I wonder if it has worked well. It has worked miserably and that is why we want a change in it. You do not know what the attitude of the people is. He has said that the state of dacoities and murders in Rohtak district furnishes an additional ground for taking action against these people. I say if you think over it calmly you may find that such actions are responsible for raising these dacoits in villages. I have not read the life of these three dacoits whom the Honourable Finance Member has mentioned, but I have read the life of another dacoit, Tantia, the Bhil. He committed so many murders and harassed the Government for so many years. I have read his life. He says that he turned a dacoit on account of the severities committed by Government upon him.

The Honourable Captain Sardar Sir Sikander Hyat Khan: Which Government?

Chaudhri Allah Dad Khan: The Government of the province in which he was living. He was living in the Central Provinces. He said that he turned a dacoit only in order to avenge those severities which were committed on him without justification.

The Honourable Mr. D. J. Boyd: When did he live?

Chaudhri Allah Dad Khan: During the time of the British Government. He was living in 1898 or so.

The Honourable Captain Sardar Sir Sikander Hyat Khan: No.

Chaudhri Allah Dad Khan: If you read the lives of these men, you will find that they put down their desperate character to the grievances they had against the Government. If you punish a zamindar why do you not give him opportunity to explain? Perhaps they will be able to give good reasons. I will give you an instance of a punitive police in the Rohtak district when Mr. Gordon Walker was deputy commissioner. This is what happened. The honourable member who just now spoke in opposition to the motion did not give the full facts of such cases, but I will give the full facts. The sub-inspector for some good reason is against a village. What does he do? He lets off some people to commit thefts or minor crimes which he does not trace out and does not punish the perpetrators but he continues to bring the crimes to the notice of higher authorities. After a short time a good case is made out. The report is submitted to the superintendent of police and he always takes it personally to the deputy commissioner. I challenge the honourable member from Shahpur to show that he never received the report of the superintendent of police personally in the matter of quartering of punitive police at any locality. The superintendent says to the deputy commissioner: Here is a bad village. My sub-inspector reports that a good deal of crime is going on in the village. The whole village is rotten to the core and you must make as much haste as possible to get these men burdened with a punitive police force. The deputy commissioner never wants to fall foul with the superintendent of police. They are twin brothers each supporting the other. Just imagine what order the deputy commissioner gives to his tahsildar. He says: It is decided

[Ch. Allah Dad Khan.]

that this village should be burdened with the cost of a punitive police force for so many years. Report which people you want to get exempted in that village. Remember that the tahsildar is not called upon to give reason why the punitive police should or should not be quartered, but he is only to give the names of persons whom he wants to be exempted and also to give the probable cost. That is the only report that the tahsildar is called upon to make. Imagine an officer of a different department, I mean the superintendent of police coming with a report and the tahsildar is not called upon to investigate whether the inspector of police was justified in making his report. There was a case of this kind regarding two villages in the Roh-tak district. The charge was that these villages were notorious for thefts. When the report was sent to the tahsildar I looked up the list of offences and I found there were some fifty out of which perhaps, I do not remember exactly, there was a big proportion, more than forty were cases which were untraced. Those cases did not happen in the village but in the neighbouring village. I called the lambardar and said: There are some fifty cases in your village during the year. How can you expect to be exempted? He said: Not a single case has occurred in my village. Please go carefully through the list. I read it again carefully and I found that most of the cases were untraced and the thefts occurred in a village fifteen miles off. Yet the sub-inspector of police said that the thefts must have been committed by people of this village. What proof had the sub-inspector to make this charge? Absolutely none. The people of the village were prepared to swear that they knew nothing of the thefts. But the sub-inspector could not trace the offenders and the people of the village were charged. There was no help. When one recalls such an instance it is unthinkable why such an innocent resolution as this which seeks to do the barest justice should be opposed. That particular cases were not detected cannot serve as proof of the guilt of a whole set of people. We see the order of the world rapidly changing in regard to crimes. More facilities are being offered even to proved criminals. On many occasions criminals have cleared themselves of the offence of murder alleged against them. Why not allow people to clear themselves of the charge of being fit to be saddled with punitive police? They will, in most cases, make good use of the opportunity so given to them. Why should this be refused?

As for the plea that it would make for delay, I assure the House that not a single day's delay would ensue. The report is asked from the tahsildar. Let it be a report after asking the people to state their reasons against the charge. The people will submit a representation before the tahsildar and the tahsildar will then submit his report. Even if there is some delay, how does it matter in view of the great injustice you are doing to a lot of people of a particular place? It is not simply the action of a single sub-inspector of police for it reacts on the government as a whole. People never say that the particular sub-inspector is a bad man. They say that the government is bad in forcing a punitive police force. Should not the Government keep itself free from the blame? Of course the Government is not bound by the representations made to it. If Government is not convinced, throw away the representations and quarter the police straightaway. What is the harm in adopting such a procedure? I do not really understand the mentality

which is responsible for insisting upon this practice except that it is the love of power which has been enjoyed for some time and which the people who have been enjoying it are chary of giving up. There is nothing else in it, no fear of delay, no perversion of procedure. Even in petty cases where a fine of Rs. 10 is imposed the naib-tahsildar tries cases for three months. Where a fine of thousands of rupees is imposed on a particular village, is it improper that some time should be allowed? (*An honourable member*: Meanwhile dozens of people are murdered). The gravity of the offence should be measured by the fact that the punishment is imposed upon a whole village. You may be doing an injustice not to a single individual but to the entire village. In that case it would be a salutary reform of the law to give an opportunity to the people charged to explain themselves.

The Honourable Finance Member has taken this opportunity of visualising the situation under the future constitution. I say that in view of the constitutional reform in the future it is all the more the reason why the defective practice followed all along should be rectified. Government have been experimenting with this procedure for so many years and they have failed for we know there is discontent raging on every side. We should not conceal this discontent. To conceal it would be to make the case worse. Openly face the situation. Look at the facts with a full perspective. If Government are convinced that their procedure has produced discontent, has resulted in injustice and iniquity and trouble to lots of people, they should not insist on their method because they have been following it for a long time. I think the ministers in future will know the people better and even if Government are now unwilling to yield now I trust that the first thing that ministers under the new reforms would do is to introduce the change sought to be effected by this resolution. It is a modest demand which will heighten the prestige of Government and Government should accept it with good grace and profit by the remarks made on the floor of the House. Let not Government think that the men who praise them to their face are their friends. Those who say things which Government do not cherish are Government's greater friends whose advice should be taken.

With these words I support the motion so ably moved by my honourable friend the member from Rohtak.

The Honourable Mr. D. J. Boyd : I move—

That the question be now put,

The motion was carried.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I congratulate my friend who has been elected to represent in this Council the district of Sheikhpura on his maiden speech. He made a very good speech, well-reasoned and well-worded and lent a very weighty support to the official view. I could not possibly have expected him to shed his official mentality so soon nor could I have expected him to have imbibed the spirit which generally characterises private members in this House so quickly after his return to the Council. However, I certainly congratulate him and heartily congratulate him on the excellent speech that he made. I wish that speech had been made for me.

I would like to answer some of the criticisms that have been offered by various members. One of the criticisms that proceeded from my honourable friend to my left was that I ought really to have brought forward a much

✓ [B. B. Ch. Chhotu Ram.]

more radical and a much more comprehensive resolution in this House to do away with all the iniquities of which the police are universally guilty. I am afraid it would be impossible for me to bring forward such a resolution and a resolution of that character would have aroused much greater opposition perhaps on much sounder grounds than the resolution which I have now proposed.

One of the reasons put forward by the Honourable Finance Member is that we should be very careful about what we say with regard to police or law and order at the present time.

The Honourable Mr. D. J. Boyd : On a point of personal explanation. I did not say anything of that kind. I talked about *doing* and not *saying* anything. I said we should not weaken the powers of the future ministers in charge of law and order.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** The Honourable Finance Member says that we should not do anything which may be used by the die-hards in England—

The Honourable Mr. D. J. Boyd : Pardon me. I did not say that.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I have not got his exact words but that certainly was the purport of what he said, that we should not do anything which can be easily used by the opponents of reform to say that Indians have not developed that amount of responsibility which should characterise them before they could claim the transfer of law and order to popular ministers. I think that was the general purport of what the honourable Finance Member said.

The Honourable Mr. D. J. Boyd : I certainly uttered no threat whatever about the effect of the remarks made in the House to-day. I said that the most criticised part of the new constitution was the transfer of law and order and I appealed to the House to do nothing which would weaken the hands of the new ministers.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** The only meaning of those remarks would be that if we did anything which seemed to weaken the hands of the new ministers, that was likely to be used by the opponents of reform in England to our detriment.

✓ **The Honourable Mr. D. J. Boyd :** That was not my intention.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** That is what I understand the Honourable Finance Member to mean. I am sorry if I have not been able to catch his exact meaning. The next point is whether we are doing anything, by putting forward or passing this resolution to weaken the hands of ministers who may be in charge of law and order under the future constitution. The Honourable Finance Member had himself to admit that though formally the opportunity of making representations is not given to the people where punitive police is quartered, in fact they did get those opportunities. If in actual practice people get opportunities for which I urge a formal recognition I do not really understand the validity of the objection that has been put forward by the Honourable the Finance Member. I want formal recognition to be given in actual practice. Could there possibly be any objection in such recognition? I think not. My friend who represents

✓ Ambala in the House said that he failed to understand the mentality of official members who refuse even to accept a reasonable resolution of the character which is now under discussion. I can perfectly understand that mentality and that mentality is not to accept anything that is suggested by a non-official member unless they are compelled to.

The Honourable Captain Sardar Sir Sikander Hyat Khan : What about two of the three resolutions which were accepted a little while ago ?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Decision had already been taken by Government and they could not very well deny in the House the validity of what they had acknowledged in action without the knowledge of private members. I do not call that acceptance of a resolution. The mentality of officials generally is not to accept a suggestion made by a private member because that in some inscrutable way is understood by them to affect their prestige. Why should they accept any suggestion made by a non-official member ? That is a feature of official mentality which is responsible for opposition to this resolution. I have not been able to understand the validity of the objection of the Honourable Finance Member when he says that in actual practice an opportunity for which I claim formal recognition exists. I say, let the people get that opportunity formally with your consent under the rules made by yourself. Will any body say no ? And yet the Honourable Member for Finance says that he is not prepared to accept this resolution.

There was a reference made to the circumstances which according to the belief of the Honourable Finance Member have induced me to move this resolution. He is perfectly right there. This resolution was certainly suggested to me by the quartering of additional police in the Rohtak district, but I fail to understand why he has sought to use that argument to justify his opposition to this resolution. He says that 32 villages have been selected for the quartering of additional police in the Rohtak district, and he has drawn attention of the House to the outbreak of criminal acts on the part of one single individual criminal. He also made a reference to the answer which Sir Geoffrey deMontmorency made in reply to a representation which was made by the people of Rohtak when he visited that district in 1981. It is true that in his reply to that representation His Excellency had said that the district was being placed on probation. But that is not the whole truth. How long was that probation to last ? That is the question and that is a very important question. I am not quite sure but I have a recollection that he had said that Government would wait and see how things shaped themselves and would come to a final decision in October next. This could only mean that the district was on probation for six months during which the Government was to make up its mind whether the district had given a good account of itself, whether the district had mended its ways or had maintained its reputation for criminality or had even enhanced that reputation for criminality.

The Honourable Captain Sardar Sir Sikander Hyat Khan : What do you think ?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** The district, I think, has definitely improved its reputation. There is less of violent crime than there was in 1981. (*An honourable member : Congratulations !*) The

✓ [R. B. Ch. Chhotu Ram.]

Honourable Member for Finance had made a reference to the activities of Mughla and section 15 of the Police Act. This section simply says that if Government thinks that any particular area is in a disturbed or dangerous state then it may make a certain notification and declare that on account of that disturbed and dangerous state of the area the stationing of additional police is essential and in order to give effect to that view it may take certain action. So far as any areas are concerned, they are not in a disturbed or dangerous state at all in Rohtak. The Honourable Finance Member has been able to quote only the activities of one single individual. It is true that he was a notorious offender, he was an absconder, he was responsible for a number of murders. But more than half of these murders had been committed not in Rohtak but in Hissar and Jind and Karnal. His activities naturally and legitimately caused anxiety to Government and it had every right to take such steps as were necessary to put a stop to them. But, I think I have a perfect right to suggest that the Government took this action much too late. If any action was needed that action was needed when Mughla was still at large. Mughla was arrested in May, he was tried, and he was hanged on the 25th of September, and this additional police is being quartered now in as many as 32 villages. Is there any justification? So far as the activities of Mughla are concerned, I admit that they were very wicked, they were nefarious and all that, but to sanction the quartering of additional police in as many as 32 villages on the basis of the activities of a man who is no more in this world is doing grave injustice to the people who are in a terribly low economic condition at present. On the one hand, Government makes remissions of land revenue, makes remissions of water rate, and puts forward a Bill in this House in order to give relief to the people.

The Honourable Captain Sardar Sir Sikander Hyat Khan : How many absconders from Rohtak are still wanted by the police? I understand there are 92 absconders from that district.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I do not know definitely the number of absconders in the Rohtak district at present, but I know that the absconders who are still at large and not arrested are absconders for cases of burglary, perhaps petty thefts.

The Honourable Captain Sardar Sir Sikander Hyat Khan : Dacoity.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Not many, only a few; but now I think it is perfectly plain that if people of these villages had been given an opportunity of being heard they might have been able to urge things which could possibly have influenced the deputy commissioner or the commissioner or the local Government here in their action. My friend the Finance Member said that a lengthy representation was made against the quartering of additional police by myself. That representation probably was made in 1931.

The Honourable Mr. D. J. Boyd : I am referring to a letter I received from the honourable member which is obviously on the same subject.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I did send a letter, and a fairly detailed letter, but I am not quite sure as to its contents. I may have

put forth in it the grounds which militated against the quartering of additional police. But certainly even if there was a letter from me in my individual capacity, it could not possibly have taken the place of the objections of the people themselves because I was not in a position either to consult the inhabitants of those villages or to pay a visit to those villages. If you just take these villages one by one, you will find that there are villages in which no offence has been committed during the last five years. Not one. There are villages from which there is no absconder. (*An honourable member*: Except harbouring). There are villages about which there were no complaints of harbouring.

The Honourable Mr. D. J. Boyd: We will give you all the information, if you like, about it.

An honourable member: What about Harphul Singh?

Rao Bahadur Chaudhri Chhotu Ram: He was also hanged about three years ago.

Mr. Mukand Lal Puri: I never thought that Rohtak was so criminal as has been demonstrated to-day (*laughter*).

Rao Bahadur Chaudhri Chhotu Ram: Am I to understand that that is a ground put forward by the honourable member in order to plead his inability to support this resolution? Any way I am giving certain lines upon which inquiries can be made to redress the wrong even now. The amount of additional burden which Government has imposed upon the people is Rs. 73,000. Rupees 73,000 is not a small sum in these days. On the one hand, Government itself is committed to the position that people are in need of relief, and stand in need of immediate relief. On the other hand an additional burden of Rs. 73,000 is imposed upon as many as 32 villages in the district without giving them an opportunity of being heard. My individual letter cannot be regarded as serving the purpose of a representation from the villages concerned. I had no opportunity myself to make any detailed inquiries. I have put a certain number of questions asking whether the amount of crime in any of these villages had gone up. If it is found as a result of inquiries that any of the villages have shown a tendency of enhanced criminality there may be some justification, but that enhanced criminality should relate to the present period. It should not relate to the period six years back.

The district, as a whole also, has shown signs of distinct improvement. So far as the number of murders is concerned, roughly speaking it has gone down very considerably during the last twelve months. With the additional police there may be cases of assault either on private people or upon women or in retaliation by the people upon the police itself. That may add to the number of offences committed in the Rohtak district, but so far as the general level of criminality is concerned, I think it has definitely come down. In these circumstances it was neither fair, nor just, nor advisable to impose any fresh burden upon the people, particularly in view of the fact that the person whose activities provoked that order is no more in this world. Again I think I have a right to state in this House that the original proposals were probably made more than twelve months ago, perhaps eighteen months ago. During those twelve months if steps had been taken to find out whether people had anything to say it could have been very easily done. All this time has been spent upon figures or scrutiny of statements made on paper. There has been no living touch between the people concerned and

[R. B. Ch. Chhotu Ram.]

even the head of the district, what to speak of the head of the department here.

6 P.M.

I do not think the District Magistrate sent for anybody from the villages concerned. I do not think that the head of the district even paid a visit to these villages with this specific object. They were not told that unless they improved their ways punitive police would be imposed on them. After all, what is the good of quartering punitive police unless you impress upon the people the reasons which account for your action. The Honourable Member for Finance has stated that this additional police was a preventive and not a punitive measure. What do you wish to prevent? There is nothing abnormal in the district. Criminal offences in the Rohtak district have gone down, they have not gone up. The villagers concerned have not done anything except, perhaps, in the way of harbouring the Mughlas in some cases. But all the villages were not guilty of harbouring Mughlas or anybody else. (*An honourable member*: Name those villages). It would perhaps be possible for me to answer that question if I were to sit down and think calmly about all the villages and then carry my recollection back to the activities of those villages. But I may say this that if the Government were to make enquiries as to the number of offences committed in those villages, whether of harbouring or others, it would find that in many of the villages no offence has been committed for years. (*An honourable member*: That is not quite accurate). It may not be quite accurate, I admit, because as I have already said I have not been able to go into the detailed history of the crimes committed by the various villages. But that is my general impression and that is the general opinion prevailing in those areas. It is on the basis of my general impression and the general prevailing opinion that I am speaking. I may be wrong here and there, but I am sure I am right in respect of some villages even though I may be wrong in respect of others. (*An honourable member*: The time is up and it will be well if the honourable member finishes his speech soon). Very well, I will accept the advice of the honourable member and close my speech.

The Honourable Mr. D. J. Boyd: I wish to say only one sentence. The honourable member just mentioned about the big sum of Rs. 73,000 which is to be imposed upon 34 villages, but he has not said a word about the very heavy burden upon the whole province. Something like 100 reserve police had to be taken from the Attock, Gurgaon and other districts of the province and they had to suffer while Rohtak carried on its way.

Mr. President: The question is—

This Council recommends to the Government that before a force of punitive police is quartered at any place the inhabitants of that place should be supplied in writing with a statement of the grounds on which punitive action is based and of the term for which and the strength at which it is proposed to quarter the said force in order that the said inhabitants may have an opportunity of making such representation as they consider necessary and the local Government may have before it the other side of the picture when final orders are passed.

The motion was lost.

The Council then adjourned till 2 P. M. on Thursday, the 25th of October

1934.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Thursday, 25th October 1934.

The Council met at the Council Chamber at 2 P. M. of the clock. Mr. President in the chair.

ECONOMIC AND EDUCATIONAL CONDITIONS OF MUSLIMS OF MIANWALI AND MUZAFFARGARH DISTRICTS.

***3657. Chaudhri Afzal Haq :** Will the Honourable Minister for Education please state—

- (a) whether the economic and educational conditions of Muslims of Mianwali and Muzaffargarh districts are becoming worse ;
- (b) if so, what methods Government has adopted for their uplift ?

The Honourable Malik Sir Firoz Khan Noon : The statistics about educational progress are being collected and will be supplied to the honourable member when ready.

Chaudhri Afzal Haq : What about the statistics of economic conditions ?

The Honourable Malik Sir Firoz Khan Noon : It is very difficult to say anything about the economic progress, but about educational progress it may be possible to say something.

TAQAVI LOAN TO AHMAD HUSSAIN, LAMBARDAR, ZUHAWAN, LUDHIANA DISTRICT.

***3658. Chaudhri Afzal Haq :** Will the Honourable Revenue Member please state—

- (a) whether it is a fact that one Ahmad Hussain Khan, lambardar and pensioner dafadar of Zuhawan, a village in the district of Ludhiana, tahsil Samrala, applied for the taqavi loan ;
- (b) whether it is a fact that the application was recommended by the girdawar qanungo, naib-tahsildar, and many other lambardars of the *ilaga* ;
- (c) whether it is a fact that the application was rejected by the tahsildar of Samrala ;
- (d) if reply to the above is in the affirmative, on what grounds the application has been rejected ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a), (b) and (c) Yes.

(d) It appeared that the loan would not be in the interest of the borrower.

ALIGARH UNIVERSITY STUDENTS AND ADMISSION TO MEDICAL COLLEGE,
LAHORE.

***3659. Chaudhri Afzal Haq :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that some F. Scs. of Aligarh University were always allowed to join the Medical College, Lahore ;
- (b) whether it is a fact that this year three candidates from the Aligarh University applied for admission ;
- (c) whether it is a fact that on the date of the interview they were not sent for to be interviewed ;
- (d) if so, the reasons why they were not allowed to be interviewed ?

The Honourable Malik Sir Firoz Khan Noon : (a) Since 1931 *bona fide* residents of the Punjab who have passed the Intermediate Examination (Medical Group) of the Aligarh University have been eligible for admission to the King Edward Medical College on equal terms with students from the Punjab University. There is no rule requiring the admission in any year of any specified number of students from the Aligarh University.

(b) Yes.

(c) and (d) All applicants for admission are required to present themselves personally at the college on a fixed date. Interviews are not, however, in practice given to those candidates whose papers show their qualifications to be definitely inferior to those of other applicants. On these principles one only of the three Aligarh candidates was granted a personal interview on the occasion in question.

RELIEF TO VILLAGERS OF ATARI IN GARHSHANKAR TAHSIL.

***3660. Chaudhri Afzal Haq :** Will the Honourable Revenue Member please state—

- (a) whether it is a fact that all the land *abadi* of Atari, a village in the Garhshankar tahsil, police station Balachaur, has been washed away on account of the Sutlej flood ;
- (b) whether Government has made enquiries into the matter ;
- (c) whether Government has given any relief to the village ;
- (d) if not, whether Government intends to give relief to the inhabitants of the village ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No ; only about one-half of the village *abadi* has suffered as a result of the erosion caused by the Sutlej river.

(b) Yes.

(c) No.

(d) The matter is receiving consideration.

SCHOOLS UNDER DISTRICT BOARD, DERA GHAZI KHAN.

***3661. Chaudhri Afzal Haq :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the District Board, Dera Ghazi Khan, have closed down many primary schools ;
- (b) the number of such schools ;
- (c) whether it is a fact that the people of Dera Ghazi Khan are already backward in education ;
- (d) whether the Government intends to give more grant to the District Board for the spread of education ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) The District Board, Dera Ghazi Khan, closed in 1982-83 three out of 111 primary schools for boys, and in 1983-84, 8 out of 108 primary schools for boys and three out of 30 primary schools for girls.

(c) Yes.

(d) These schools were closed either because they were unsuccessful or unnecessary and thus admitted of amalgamation with a neighbouring institution. The question of more grant therefore does not arise.

SCHOOLS UNDER TAUNSA MUNICIPAL COMMITTEE.

***3662. Chaudhri Afzal Haq :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that very recently a Municipal Committee has been constituted in Taunsa, district Dera Ghazi Khan ;
- (b) whether it is a fact that the Municipal Committee have not up to the present time opened its schools ;
- (c) whether it is a fact that all the District Board schools have been closed down after the constitution of the said Municipality ;
- (d) if so, what arrangements have been made for the education of boys and girls living in Taunsa ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected and will be supplied to the honourable member when ready.

SECOND MISTRESS AT THE PHALIA ZENANA SCHOOL, DISTRICT GUJRAT.

***3663. Chaudhri Afzal Haq :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that one Bashir Begum had been appointed as a second mistress at the Phalia Zenana School, district Gujrat ;
- (b) whether it is a fact that her appointment had been sanctioned by the District Board in the General Meeting ;
- (c) whether it is a fact that the District Inspector of Schools, Gujrat, set aside the order of the General Meeting ;
- (d) if so, why ;
- (e) whether it is a fact that she appealed against the order of the District Inspector of Schools ;
- (f) what was the result of the appeal ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

- (b) No.
- (c) No.
- (d) Does not arise.
- (e) No.
- (f) Does not arise.

A-CLASS LOCAL MANAGERS IN THE ELECTRICITY BRANCH.

***3664. Sardar Bahadur Sardar Buta Singh :** Will the Honourable Minister for Local Self-Government please state—

- (a) the number of budgetted posts in the cadre of A Class (1st class) Local Managers in the Electricity Branch of the Public Works Department for the financial years 1933-34 and 1934-35, respectively ;
- (b) how many of these budgetted posts were not actually filled during these two years by the appointment of permanent incumbents ;
- (c) whether it is now contemplated to fill up these vacancies ; if not, the reason for not doing so ?

The Honourable Dr. Gokul Chand Narang :

(a) 1933-34	12
1934-35	12

(b) This part of the question is not quite clear, but if the honourable member wants to know whether all Grade I appointments were filled up by officers appointed permanently to that grade, the answer is that two posts were not so filled, but were filled temporarily by men holding appointments in Grade II who were allowed to work against those posts.

(c) Yes.

A-CLASS LOCAL MANAGERS IN THE ELECTRICITY BRANCH.

***3665. Sardar Bahadur Sardar Buta Singh :** Will the Honourable Minister for Local Self-Government please state—

- (a) the number of vacancies that occurred in the cadre of A class (1st class) Local Managers in the Electricity Branch of Public Works Department during the financial years 1933-34 and 1934-35 respectively ;
- (b) how many of these posts fell vacant owing to voluntary resignation by persons holding them and how many vacancies in this grade were the result of departmental action taken against persons holding these posts ;
- (c) how many of these vacancies were filled up by importing persons from outside the department and how many of them were filled by the promotion of persons already working in the B class (2nd class) cadre of the Local Managers ; in case none of the B class Local Managers were so promoted, whether none of them was considered to be efficient enough to fill up these vacant posts ?

The Honourable Dr. Gokul Chand Narang :

(a) 1933-34	3
1934-35	3

(b) Of the above 6 vacancies, one was due to voluntary resignation, two were the result of departmental action against certain employees, one was due to the promotion of a Local Manager, Grade I, to a higher post, one was against a leave reserve post and the sixth against a temporary post sanctioned for one year.

(c) Two vacancies were filled up by importing persons from outside the department and two by the promotion of persons already working in grade II, the fifth vacancy has been reserved for an existing temporary officer serving in the Electricity Branch, and the sixth has been temporarily filled by the appointment of a person, already in the department to grade II.

TAQAVI FOR SINKING TUBE WELLS IN JULLUNDUR DISTRICT.

*3666. **Mian Nurullah:** Will the Honourable Revenue Member please state—

- (1) (a) the names of landholders to whom a sum of ten thousand rupees each was advanced as taqavi for sinking tube wells in Jullundur district ;
- (b) the name of the firm which did the boring work for each landholder and the size of bore ;
- (c) the size, kind and length of the strainer used in each tube well ;
- (d) the discharge of each tube ;
- (e) whether any further amounts of taqavi loans were advanced to any or all of the above named landholders ;
- (2) If the answer to part (e) (1) above be in the affirmative—
 - (a) the names of the landholders to whom the amount was advanced ;
 - (b) the amount and the number of times it was advanced to each ;
 - (c) for what purpose the further amounts were advanced ;
 - (d) the details of the work carried out by each landholder, with the amount of taqavi loans received afterwards ;
- (3) whether, the district authorities ever inspected these works ; if so—
 - (a) how many times when the work was under construction ;
 - (b) the number of times after completion or in working order ;
 - (c) whether the officer deputed on this duty prepared any inspection notes ?
- (4) If the answer to (3) (c) be in the affirmative, whether he will place these notes on the table, and if the answer be in the negative then the reasons why these places were never inspected ?
- (5) (a) the number of instalments paid by each of the landholders for the first taqavi loan of ten thousand rupees advanced to them ;
- (b) the number of instalments paid by the landholders separately in respect of each subsequent taqavi loan advanced to them ;
- (c) how many times the taqavi instalments of each landholder were deferred, and for what reasons ;
- (d) whether it is a fact that the taqavi loans advanced later on, have easy instalments and spread over a larger number of years ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan: A statement is laid on the table.

[25TH Oct. 1984

[Hon'ble Sir Sikanter Hyat-Khan.]

No.	Name of the landholder.	The name of the firm which did the boring work for each land holder and the size of bore.	The pipe, kind and length of the strainer used in each tube well.	Discharge of each tube.	Whether any further amounts of interest loan were advanced to any or all the above landholders.
1	Bardar Singh, son of Sardar Bhagwan Singh, Jagirdar, Gurmara and Sub-Registrar.	1 Be reliable Water-Supply Company, Feroz Road, Lahore. The size of bore—6 inches.	Tel patent strainer size 8 inches and length 60 feet.	Discharge of the tube is one cuase, & nearly 37,500 gallons per hour.	No.
2	A Jalandhar.				Three times.
3	Jalandhar.				Five times.
4					No.
5					
6					
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MUNICIPAL COMMITTEE, PANIPAT.

***3667. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Local Self-Government be pleased to state--

- (a) whether the members of the Panipat municipal committee have been allotted large sums of money for each ward for repairing and paving lanes in their own respective wards and executing the work under their direct control and supervision without any estimate ;
- (b) whether they have been directly purchasing bricks, cement and other material from the suppliers according to their own choice without a supply order indent and even without an agreement ;
- (c) whether they have been presenting bills several months after the completion of such works with insufficient details of cost and sanctioning them despite numerous irregularities ;
- (d) whether such works were noted in the Measurement Book ; if so, how long after completion thereof ; why the works were not measured while in progress ;
- (e) whether bricks, cement and other material purchased for these *amani* works were entered in the Stock Book to show their gradual supply and consumption ;
- (f) whether the auditors have not been taking exception to the above irregularities from year to year in their audit and objection notes ;
- (g) how much loss has occurred to the committee during the last five years through this irregular practice ?

The Honourable Dr. Gokul Chand Narang : (a) No. In 1929-30 as an experimental measure certain of the members were authorised to effect the execution of repairs to the pavement of lanes within their wards. For this purpose the requisite funds were sanctioned, on estimates prepared in advance. On the completion of the works payment was made to the suppliers of material and labour.

(b) No. The material was supplied under the directions of the Secretary and was checked by the members.

(c) No bills were presented by the members.

(d) No. The works were not noted in the measurement books, but comparative statements were prepared to show the profit and loss on the work actually done. No measurements are taken while the work is in progress, but measurements are made on the completion of the work.

(e) No, for the reason that in 1929 stock books were not kept.

(f) An audit objection was raised against the action of the Committee referred to in the reply to part (a) of the question. The Committee satisfied the auditors and the objection was not repeated.

(g) The so-called irregular practice was tried during a single year only. No loss is reported to have resulted from it.

MUNICIPAL COMMITTEE, PANIPAT.

***3668. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Local Self-Government be pleased to state--

- (a) whether it is not a fact that in the Panipat municipality payments have been made for labour, earth and sand during the last fifteen or twenty years, at one and the same rate, despite considerable fall in the market rates ;

- (b) whether it is not a fact that one Ibrahim alias Jajul, potter, has been enjoying the sole monopoly for supplying earth and sand for the last 15 or 20 years at an unfluctuated rate, and when this time honoured practice was objected to, the said Jajul was substituted by his own brother Mohammad Siddiq ?

The Honourable Dr. Gokul Chand Narang : (a) No.

(b) No.

MUNICIPAL COMMITTEE, PANIPAT.

***3669. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Local Self-Government be pleased to state whether it is true that in the Panipat municipality the whole amount reserved for roads in the budget for 1933-34 was bound down by giving certain contracts in May 1933, although the financial year had still ten months to run its course, and consequently when M. Ijaz-un-Nabi Khan, late president, took over charge on 16th May 1933 there were no funds available for repairs of the more important roads ? What were the reasons for this hasty measure ?

The Honourable Dr. Gokul Chand Narang : No. In the 1933-34 budget the provision under head " VII—Municipal Works " was Rs. 11,200. Out of this sum no more than Rs. 4,577 was expended in May 1933.

MUNICIPAL COMMITTEE, PANIPAT.

***3670. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) who were responsible for the forged and fictitious tender for lighting contract presented in the name of Dhola in time of M. Ijaz-un-Nabi Khan, late president of the Panipat municipal committee, as also for other irregularities reported by that officer ;
- (b) whether certain serious allegations were made by a number of contractors in the joint application submitted to the Deputy Commissioner, Karnal, in the time of M. Ijaz-un-Nabi Khan, late president ;
- (c) whether a thorough inquiry into the matter was made, if not whether an enquiry is going to be made in the matter ?

The Honourable Dr. Gokul Chand Narang : The matter is under correspondence with the Commissioner. A final reply will be communicated to the honourable member as soon as the facts have been ascertained.

MUNICIPAL COMMITTEE, PANIPAT.

***3671. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Local Self-Government be pleased to state the total amount paid from the municipal funds from time to time to Abdul Hakim, contractor, and Jajul, potter, for various contracts of works and supplies of the Panipat municipality during the last five years ?

Will he please lay on the table a statement showing the works and the payments of each year ?

The Honourable Dr. Gokul Chand Narang :

	Rs.
Abdul Hakim	5,958-12-0
Jajul	5,040-1-0

A detailed statement is laid on the table, as desired.

[Hon'ble Dr. Gokul Chand Narang.]

Statement showing the works and payment for supplies to Mohammad Ibrahim (alias Jajul), potter, during the years 1929-30 to 1933-34.

No.	PARTICULARS.	AMOUNT.				
		1929-30.	1930-31.	1931-32.	1932-33.	1933-34.
		Rs. A.	Rs. A. P.	Rs. A. P.	Rs. A.	Rs. A. P.
1	Cost of 9,621 bags of earth for various works.	376 8	..	..	..	..
2	Cost of 1,654 bags of sands for various works.	102 2	..	..	..	..
3	Cost of 6,134 bags of earth for various works.	..	319 8 6	..	..	..
4	Cost of 122 bags of sand for various works.	..	7 7 0	..	..	..
5	Cost of 3,993 bags of earth for various works.	..	..	150 1 0	..	..
6	Cost of 202 bags of sand for various works.	..	..	10 4 6	..	..
7	Part payment for consolidation of road from Tel Dhal Gate to Delhi Gate.	..	..	..	300 0	..
8	Payment for consolidation of road from Delhi Gate to Chul Khan Gate.	..	..	..	1,285 11	..
9	Final payment for consolidation of road from Tel Dhal Gate to Delhi Gate.	..	..	..	653 10	..
10	Cost of 2,120 bags of earth for various works.	..	..	..	63 12	..
11	Cost of 499 bags of sand for various works.	..	..	..	20 9	..
12	Payment for consolidation of road from Mohalla Tahlai to Tomb of S. Mahmud.	..	..	..	..	1,529 15 0
13	Payment for consolidation of road from Chah-Chaura road to the crossing of road from Chah-Bharang wala.	..	..	..	..	222 3 0
	Total Rs. ..	478 10	326 15 6	160 5 6	2,323 10	1,752 2 0

Statement showing the works and payments for supplies to Abdul Ibrahim, Contractor, during the years 1929-30 to 1933-34.

No.	PARTICULARS.	AMOUNT.				
		1929-30.	1930-31.	1931-32.	1932-33.	1933-34.
		Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.
1	Cost for the repair of out-fall drain from Qasaban Gate to Ganda Nala.	281 6	..	..	..	..
2	Running payment for the repair of circular road from Madho Gunj Gate to Qasaban Gate.	700 0	..	..	..	..
3	Payment for the repair of road from Gali Shahbaz Khan to Bazar Chabutra.	..	782 14	..	..	..
4	Payment for the construction of Aggarwal Mandi road.	..	2,412 14	..	..	..
5	Cost of <i>kankar</i> for the repair of road near stable of Lala Har Parshad.	..	38 4	..	..	..
6	Payment for repair of kine slaughter-house.	..	..	131 2	..	..
7	Final payment for the repair of circular road from Madho Gunj Gate to Qasaban Gate.	..	..	313 0	..	..
8	Cost of <i>kankar</i> for the repair of road.	..	..	67 11	..	..
9	Cost of <i>kankar</i> for the repair of Mandi road to Ghati Purbian to Tel Dhal Gate.	..	..	81 10	..	..
10	Cost of <i>kankar</i> for the repair of Main Bazar road from Gali Shahbaz Khan to the shop of Jita Ram, iron merchant.	..	..	108 6	..	..
11	Cost of <i>kankar</i> for the repair of road from Chawk Qalander to Chui Khan Gate.	..	..	..	83 8	..
12	Cost of <i>kankar</i> for the repair of Main Bazar road.	..	..	..	46 11	..

[Hon'ble Dr. Gokul Chand Narang.]

Statement showing the works and payments for supplies to Abdul Hakim, Contractor, during the years 1929-30 to 1933-34—concl'd.

No.	PARTICULARS.	AMOUNT.				
		1929-30.	1930-31.	1931-32.	1932-33.	1933-34.
		Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.
13	Cost of <i>kankar</i> for the repair of road from Ganda Nala to Agenti.	..	..	..	132 0	..
14	Cost of <i>kankar</i> for repair of Salar Gunj road.	..	..	..	165 10	..
15	Cost of <i>kankar</i> for the repair of circular road from Zamindara Bank to Qassaban Gate.	..	..	..	17 4	..
16	Cost of <i>kankar</i> for pavement of kine slaughter-house.	..	..	..	..	41 3
17	Cost of <i>kankar</i> for the repair of Mandi road.	..	..	..	..	10 10
18	Running payment for construction of road from Madho Gunj to Devi Temple.	..	..	..	..	1,525 0
	Total ..	981 6	3,234 0	721 13	444 12	1,576 13

MUNICIPAL COMMITTEE, PANIPAT.

***3672. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Local Self-Government be pleased to state whether meetings of the municipal committee, Panipat, recorded in the minute book as having been held in the municipal hall were held at Tahsil premises?

The Honourable Dr. Gokul Chand Narang : No. During the last five years only three meetings of the Panipat committee have been held in the Tahsil premises (on the 11th August, 1929, the 28th January, 1930, and the 11th January, 1932). The minute book expressly mentions the fact that these meetings were held at the Tahsil.

MUNICIPAL COMMITTEE, PANIPAT.

***3673. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that for the consolidation of a portion of a circular road from Tel Dhal Gate to Chul Khan Gate and other roads at Panipat metalled within the last two or three years.

certain contractors were paid for supplying of *kankar* at the rate of more distant quarry than one from which *kankar* was actually brought? If so, why the excess amount should not be recovered from those responsible for this irregularity and abuse of public money;

(b) whether the committee satisfied itself before making payments of bill that Government royalty had been duly paid by the contractors for the *kankar* supplied by them. If not, who is responsible for the omission;

(c) what roads and at what cost were repaired and consolidated during the last five years? Does their present condition show the least trace of the work done?

The Honourable Dr. Gokul Chand Narang : (a) No.

(b) Under the Punjab Minor Minerals Rules the Government royalty has to be deposited in advance, and no person is permitted to quarry *kankar* unless the patwari is satisfied that the dues have been paid. In such circumstances it would be superfluous for a municipal committee, before paying bills for *kankar*, to embark on inquiries whether or not the contractors have paid the royalty. Actually there appears no reason to believe that any of the Panipat committee's contractors have evaded the payment of royalty.

(c) Statements containing the requisite information are laid on the table. All the roads shown as repaired or constructed are in good condition except three of them which require patch repairs.

Roads repaired by the Panipat municipal committee during the last five years.

PARTICULARS.	AMOUNT.				
	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.
	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.
Payment for repair of Tahsil road from Ganda Nala to Salar Gunj Gate.	1,449 1	..	..	..	..
Payment for repair of road from Salar Gunj Gate to the room of Dr. Karim Ullah.	950 2	..	..	..	..
Payment for the repair of road from Gali Shahbaz Khan to Bazar Chabutra.	..	782 14	..	..	..
Total ..	2,399 3	782 14	..	..	..

[Hon'ble Dr. Gokul Chand Narang.]

Roads constructed by the Panipat municipal committee during the last five years.

PARTICULARS.	AMOUNT.				
	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.
	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.
Payment for the construction of road from Co-operative Bank to Madho Ganj Gate.	1,359 3	..	..	..	..
Payment for the construction of circular road from Madho Ganj Gate to Qasaban Gate.	700 0	313 0	..	..	..
Payment for the construction of circular road from Qasaban Gate to Chah Chura.	..	1,755 5	..	..	..
Payment for the construction of Aggarwal Mandi road.	..	2,412 14	..	..	..
Payment for the construction of road from Tel Dhal Gate to Delhi Gate.	..	..	..	953 10	..
Payment for construction of road from Delhi Gate to Chul Khan Gate.	..	..	..	1,285 11	..
Running payment for construction of road from Tel Dhal Gate to Mohalla Ghosian.	..	..	..	..	371 0.
Payment for construction of Shah Ala road from Mohalla Tahai to tomb of Sayed Mahmood.	..	..	..	..	1,529 15.
Payment for construction of road from Chah Chowra road to the crossing of road from Chah Bharrang Wali.	..	..	..	..	222 3
Running payment for construction of road from Salar Ganj Gate to Devi Temple.	..	..	..	..	956 0
Running payment for construction of road from Circular road to the tomb of Shah Wilayat Sahib.	..	..	..	..	553 0
Running payment for construction of road from Madho Ganj Gate to Devi Temple.	..	..	..	..	1,525 0
Total ..	2,059 3	4,481 3	..	2,239 5	5,157 2

MUNICIPAL COMMITTEE, PANIPAT.

***3674. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Local Self-Government be pleased to state whether it is a fact that a sum of about Rs. 45 due on account of terminal tax on brasswares exported to Delhi by motor lorry was reported in June, 1933, to have been embezzled by the municipal staff of Panipat, but no punishment has been meted out to the defaulter ?

The Honourable Dr. Gokul Chand Narang : On the 26th June, 1933, one of the members of the Panipat Committee made a report to the president that the greater part of the terminal tax payable on a consignment of brass goods exported to Delhi on the 12th May, 1933, had been embezzled by the barrier staff. The Finance sub-committee, who investigated the case, came to the conclusion that the full tax had been credited to the municipal fund, Re. 0-14-0 on the morning of the 13th May, 1933, and Rs. 49-8-9 on the afternoon of the same day. The conduct of the municipal secretary in connection with this case formed one of the charges in departmental proceedings which were subsequently taken against him and which have since led to his dismissal (in April last). An appeal by the secretary against his dismissal is at present pending with the Commissioner of Ambala. The municipal committee has deferred its own final opinion on the alleged embezzlement until the decision of the secretary's appeal.

MOTOR SERVICE IN KANGRA DISTRICT.

***3675. Thakur Pancham Chand :** Will the Honourable Member for Revenue kindly state—

- (a) whether it is a fact that Pathankot-Dharmasala and Baijnath road has been coal-tarred ;
- (b) whether it is also a fact that the Kangra Motor Union charges 9 pies fare per mile, and licences are not granted to other persons ;
- (c) whether the Government is prepared to grant licences for motor traffic on this Grand Trunk Road by inviting tenders from different motor service companies ;
- (d) what action Government intends to take to reduce the rate of fare from 9 pies to 6 pies per mile ?

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

(b) *First part.*—The Kangra Motor Union generally charges 9 pies per mile per passenger, except along the road running parallel to the Kangra Valley Railway, where the rates are lower.

Second part.—This is not the case. Licences are granted to persons who are not members of the Kangra Motor Union.

(c) Does not arise.

(d) None.

SUB-INSPECTORS OF FISHERIES.

***3676. Thakur Pancham Chand :** With reference to the answer to my question No. 3477 (starred), dated the 28th June, 1934, will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that three candidates of Sub-Inspector of Fisheries, alluded to be in the permanent Government service *now* were already in permanent Government service at the time of their acceptance as Sub-Inspector of Fisheries candidates by the late Warden of Fisheries ;
- (b) if the reply to (a) above be in affirmative, under what authority and reasons the Director of Agriculture declared the list partially obsolete for these three Government servants only ;
- (c) whether there is any bar for a Government servant to get transferred to another department ;
- (d) whether any intimation was sent to the candidates accepted by the Warden of Fisheries, declaring the list obsolete ; if not, why not ;
- (e) what action Government intends to take to give chances to qualified candidates for Sub-Inspector of Fisheries accepted by the late Warden of Fisheries ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes, but one of them was holding a permanent appointment on probation.

- (b) Orders have been passed, that they must be provided for.
- (c) No.
- (d) No.
- (e) As stated in (b) above orders have been passed that two accepted candidates should be provided for as vacancies occur.

SUB-INSPECTOR OF FISHERIES.

***3677. Thakur Pancham Chand :** Arising out of the answer given to Council question No. 3478¹ (starred) asked by me on 28th June, 1934, will the Honourable Minister for Agriculture be pleased to state—

- (a) whether the three candidates stated to be in permanent Government service *now* were already in Government service at the time when accepted by the Warden or not ;
- (b) if the reply to (a) above be in the affirmative, then why their rights for consideration to the post of officiating Sub-Inspector of Fisheries, Rawalpindi, were ignored by the Director of Agriculture recently without any cogent reasons ; and why a primary passed and unaccepted candidate was appointed to officiate ;
- (c) whether the Government is aware that the rights of Sub-Inspector and Deputy Sub-Inspector candidates are being ignored by the Director as new recruits are being enlisted : when the candidates on the list approved by the Warden of Fisheries have not been given any chance to officiate so far ;

- (d) what action Government intends to take to give chances to the Sub-Inspector of Fisheries candidates, who were already in Government service at the time of their acceptance as candidates?

The Honourable Sardar Sir Jogendra Singh : (a) The honourable member is referred to the answer given to part (a) of question No. 3676 (starred).

(b) The short officiating vacancy was filled by promotion from amongst Deputy Sub-Inspectors of Fisheries. The official selected was an experienced Deputy Sub-Inspector with 9 years' service to his credit.

(c) The qualifications and merits of all applicants, whether on any list or not are carefully considered at the time appointments are made and the most suitable candidate is selected.

(d) The honourable member is referred to the answer given to part (b) of question No. 3676 (starred).

M. KARAM BAKHSH, DEPUTY SUB-INSPECTOR OF FISHERIES.

***3678. Thakur Pancham Chand :** Will the Honourable Minister for Agriculture kindly state:—

- (a) whether it is a fact that M. Karam Bakhsh, Deputy Sub-Inspector of Fisheries, was appointed vice Sub-Inspector of Fisheries, Rawalpindi, who proceeded on 4 months' leave recently;
- (b) whether M. Karam Bakhsh's promotion had already been stopped at the efficiency bar when he was appointed as officiating Sub-Inspector, Fisheries, Rawalpindi;
- (c) whether he was accepted as Sub-Inspector of Fisheries candidate, before his appointment as Sub-Inspector, Fisheries;
- (d) whether he has only passed the primary examination;
- (e) whether the Sub-Inspectors are bound to discharge their duties in the English language;
- (f) if the replies to (b), (c), (d) and (e) are in the affirmative, why this particular man was appointed when there were already approved and qualified candidates for Sub-inspectorship on the list maintained by the Warden?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) Yes; as he does not possess a sufficiently good knowledge of English and not because of his technical work.

(c) No list of Sub-Inspectors of Fisheries candidates is now maintained.

(d) No; he has read up to the Vernacular Middle standard.

(e) Some of their duties must be discharged in the English language.

(f) Does not arise.

OFFICIATING DEPUTY SUB-INSPECTOR OF FISHERIES, KANGRA.

***3679. Thakur Pancham Chand :** Will the Honourable Minister for Agriculture kindly state:—

- (a) whether it is a fact that Sardar Sundar Singh, Deputy Sub-Inspector candidate of the Fisheries Department posted at Kangra, vice Sardar Balwant Singh, has been discharged from service and a new recruit B.Sc., (Agri.) has been posted in his place;

[Thakur Pancham Chand.]

(b) if the reply to (a) above be in affirmative, why he has been discharged from service, when he was already an accepted and qualified candidate for this post ;

(c) what action the Government intends to take to safeguard the interests of the Sub-Inspector and Deputy Sub-Inspector candidates accepted by the late Warden of Fisheries ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) I will make enquiries.

(c) The qualifications and merits of all applicants are given full consideration when appointments are made.

FISHERIES DEPARTMENT.

***3680. Thakur Pancham Chand :** Will the Honourable Minister for Agriculture be pleased to state :—

(a) whether it is a fact that the Fisheries Department even after its amalgamation with that of Agriculture Department is treated as a separate department ;

(b) if the reply to (a) above be in the affirmative, then why the clerical staff has been amalgamated with that of the Agricultural clerical staff ;

(c) what action the Government propose to take to keep them on a separate cadre ?

The Honourable Sardar Sir Jogendra Singh : (a) No.

(b) The clerical staff has not been amalgamated with the Agricultural clerical staff.

(c) Does not arise.

FISHERIES DEPARTMENT.

***3681. Thakur Pancham Chand :** Will the Honourable Minister for Agriculture be pleased to state :—

(a) whether it is a fact that the Fisheries Department was amalgamated with that of the Agriculture Department in 1932 ;

(b) whether it was decided by the Punjab Government that the cases dealing with the Fisheries should only be dealt with direct by the Director of Agriculture and not through the Deputy Directors or Assistant Directors, etc., etc. ;

(c) if the reply to (b) above be in the affirmative, then under what authority the Assistant Director deals with the Fisheries cases ;

(d) whether it is also a fact that certain cases relating to the officiating appointments of Sub-Inspectors and Deputy Sub-Inspectors are disposed of by the Assistant Director and not even forwarded to the Director for information ;

(e) whether the Assistant Director has been delegated such powers by Government ;

(f) if so, what ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) Yes, so far as Deputy Directors of Agriculture are concerned.

(c) The Assistant Director deals with some of the Fisheries cases in his capacity as Assistant to the Director just as he deals with other branches of the department.

(d) Not usually.

(e) No.

(f) Does not arise.

NAIB-TAHSILDAR CANDIDATES IN JULLUNDUR DIVISION.

***3682. Thakur Pancham Chand :** Will the Honourable Member for Revenue kindly—

(a) state whether it is a fact that the recruitment of naib-tahsildar candidates is closed for two years under the orders of the Financial Commissioner ;

(b) state how many candidates are on the approved list of naib-tahsildars in the Jullundur division ;

(c) lay a list containing the names of candidates with dates of their acceptance on the table ;

(d) state when the recruitment for naib-tahsildarship in the Jullundur division is likely to be opened ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) The recruitment of naib-tahsildar candidates in each division is closed till the number of candidates in that division is reduced to 12.

(b) Twenty.

(c) A statement is placed on the table.

(d) It is difficult to forecast, but probably not before 1936.

List of candidates for the post of Naib-Tahsildar.

District or Settlement from which nominated.	Name of accepted candidate.	Date of acceptance.
Ludhiana	Agha Hussain	22nd April 1927.
Jullundur	Siddiq Ahmad Khan	1st October 1928.
Ferozepore	Munshi Ram	12th January 1929.
Ludhiana	Balwant Singh	12th January 1929.
Ludhiana	Muhammad Gharib	12th January 1929.
Ludhiana	Amar Nath	12th January 1929.
Hoshiarpur	Aziz Ahmad	12th January 1929.
Kangra	Jaggat Singh	12th January 1929.
Hoshiarpur	Mahmud Khan	12th January 1929.
Ferozepore	Hari Singh	17th May 1929.
Jullundur	Karam Ilahi	17th May 1929.
Jullundur	Gurdial Singh	5th June 1929.
Ludhiana	Afzal Imam	30th September 1930.
Jullundur	Muhammad Aziz-ud-Din	30th September 1930.
Ferozepore	Abdul Aziz	30th September 1930.
Ludhiana	Ram Saran Kalra	30th September 1930.
Ferozepore	Lal Singh Sandhu	30th September 1930.
Hoshiarpur	Atar Singh	30th September 1930.
Jullundur	Muhammad Afzal Khan	30th September 1930.
	Harbans Singh	30th September 1930.

REVENUE OF THE FISHERIES DEPARTMENT.

***3683. Thakur Pancham Chand :** Will the Honourable Minister for Agriculture be pleased to state—

(a) the revenue of the Fisheries Department since its amalgamation with that of the Agricultural Department ;

(b) the expenditure on the Administration and Research sides since the amalgamation ?

The Honourable Sardar Sir Jogendra Singh : (a) and (b) A statement is laid on the table.

The figures of Revenue realised and expenditure incurred are as follows :—

REVENUE.			Rs.
Income realised from 1st August, 1932, to 31st March, 1933	..	..	34,152
Income realised during the financial year 1933-34	..	..	49,013
Income realised from 1st April, 1934, to 31st August 1934	..	..	21,907
Total			1,05,072

EXPENDITURE.

	On Adminis- tration.	On Research.	Total.
	Rs.	Rs.	Rs.
Expenditure incurred from 1st August, 1932, to 31st March, 1933.	28,315	4,362	32,677
Expenditure incurred during the financial year 1933-34.	34,990	7,222	42,212
Expenditure incurred from 1st April, 1934, to 31st August, 1934.	14,222	3,468	17,690
Total	77,527	15,052	92,579

DAM ACROSS DEHRI STREAM AT KOTLA.

***3684. Thakur Pancham Chand :** Arising out of answer given to Council question No. 1794¹ (starred) put by me on 14th November, 1932, will the Honourable Member for Revenue kindly state what action has been taken by Government to construct a dam to safeguard Kotla town from future floods ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : After careful reconsideration of the matter with special reference to the facts indicated in the reply to part (a) of Council question No. 1117², Government came to the conclusion that in the circumstances no further action on their part was necessary.

¹Vol. XXII, page 348.

²Vol. XXI, page 92.

GIRLS' HIGH SCHOOL, HISSAR.

*3685. **Lala Jyoti Prasad :** Will the Honourable Minister for Education please state :—

- (a) whether it is a fact that the Government Girls' School, Hissar, will be located in the building of the Government Boys' High School Boarding House in the near future ;
- (b) whether it is a fact that this Boarding House is situated between two boys' high schools and there is also a grain mandi in its neighbourhood, in addition to its being far off from the town ;
- (c) whether it is a fact that the Municipal Committee, Hissar, strongly protested against this proposal by a resolution unanimously passed at its general meeting held on 30th March 1934 and that copies of this resolution were forwarded to the authorities concerned for favourable consideration and action ;
- (d) whether it is a fact that in spite of public resentment Government is spending about Rs. 10,000 on effecting alterations and modifications in the Boarding House for the purpose of locating the Girls' High School there ;
- (e) whether the present building of the Girls' High School which is so centrally situated could not be improved by spending such a big amount as mentioned above ;
- (f) in view of the public feeling against this new proposal as it would result in great inconvenience to the guardians and students, what immediate steps Government propose to take to stop the construction work recently started and cancel the shifting of the Girls' High School to that locality ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) The building is situated near two high schools and there is a grain mandi close to it, but its distance from the farthest corner of the city is about 6 furlongs by the route which a lorry would take, and by the shorter route which the children would follow, it is distinctly less.

(c) Yes.

(d) A sum of Rs. 8,000 has been sanctioned for the necessary alterations and additions in the buildings.

(e) No.

(f) There is no intention to drop the proposal for there is no other suitable building in which the school could be located.

NOMINATION TO SERVICES.

*3686. **Lala Jyoti Prasad :** Will the Honourable Finance Member please state :—

- (a) the number of Extra Assistant Commissioners, Tahsildars, Income-tax officers and Deputy Superintendents of Police, directly nominated in the Province for each year during the last ten years with their community, their districts of residence and whether agriculturists or non-agriculturists ;

[L. Jyoti Prasad.]

(b) whether it is a fact that the non-agriculturist Hindus of the Ambala division had no share or very little, if any, in the recruitment mentioned above during the last ten years ;

(c) the proportion of Hindu population of the various divisions of the province ?

Mr. C. C. Garbett (Chief Secretary) : (a) A statement is laid on the table.

(b) Yes.

			<i>Per cent.</i>
(c) Ambala division	..	..	42·2
Jullundur division	..	..	25·5
Lahore division ..	..	..	16·7
Rawalpindi division	..	..	5·8
Multan division	..	..	10·8

Statement.

Community.	Districts of residence.	Agriculturist or Non-Agriculturist.
EXTRA ASSISTANT COMMISSIONERS.		
Muslims	Amritsar	2
	Rawalpindi	2
	Gurdaspur	2
	Dera Ismail Khan	1
	Jhang	3
	Gujrat	2
	Jhelum	1
	Sialkot	2
	Jullundur	2
	Gujranwala	2
	Ludhiana	1
	Muzaffargarh	1
	Multan	2
	Lahore	2
	Ambala	1
	Campbellpur	1
	Lyallpur	1
	Shahpur	1
	Total	29
Hindus	Lahore	3
	Hoshiarpur	1
	Rohtak	3
	Jhelum	1
	Gujranwala	1
	Kangra	2
	Ferozepore	1
	Delhi	1
	Multan	1
	Jhang	1
	Hissar	1
	Shahpur	1
	Total	17
		Agriculturists .. 28
		Non-Agriculturist .. 4
		Agriculturists .. 8
		Non-Agriculturists .. 9

Statement—contd.

Community.	Districts of residence.	Agriculturist or Non-Agriculturist.
Sikhs	Lahore	1
	Lyallpur	2
	Ludhiana	1
	Hoshiarpur	1
	Ambala	1
	Montgomery	1
	Total	7
		Agriculturists .. 4
		Non-Agriculturists .. 3
Christians	Lahore	1
	Total	1
		Non-Agriculturist .. 1
TAHSILDARS.		
Muslims	Shahpur	2
	Sheikhpura	2
	Rawalpindi	3
	Jullundur	1
	Karnal	2
	Ludhiana	2
	Dera Ghazi Khan	2
	Jhang	3
	Hoshiarpur	3
	Mianwali	2
	Sialkot	1
	Gujrat	2
	Lyallpur	1
	Amritsar	1
	Attock	1
	Total	28
		Agriculturists .. 27
		Non-Agriculturist .. 1
Hindus	Gurgaon	1
	Kangra	1
	Lahore	2
	Sialkot	1
	Amritsar	1
	Rohtak	4
	Hissar	1
	Jhelum	1
	Delhi	1
	Simla	1
	Ambala	1
	Total	15
		Agriculturists .. 13
		Non-Agriculturists .. 2

[Mr. C. C. Garbett.]

Statement—conold.

Community.	Districts of residence.	Agriculturist or Non-Agriculturist.
Sikhs	Jullundur 2 Hoshiarpur 2 Ludhiana 1 Sialkot 1 Lyallpur 1 Gujranwala 1 Total 8	Agriculturists .. 6 Non-Agriculturists .. 2
Christian	Amritsar 1 Total 1	Non-Agriculturist .. 1

DEPUTY SUPERINTENDENTS OF POLICE.

Sikh	Rawalpindi 1	
Muslims	Shahpur 1 Gujrat 1	
Hindu	Gurdaspur 1	
European (domiciled) .. ..	.. .. 1	
	Total 5	Agriculturist .. 1 Non-Agriculturists .. 4

Income-Tax Officers are recruited by the Government of India and information about them is not available.

SIRSA BRANCH OF WESTERN JUMNA CANAL.

*3687. Lala Jyoti Prasad : Will the Honourable Revenue Member kindly state—

(a) the number of days with dates in the months of June, July, August and September 1934 when water ran, whether in full supply, turn or balance turn, in the Sirsa Branch of the Western Jamna Canal ;

(b) the names of minors which receive their supply of water from the above branch ;

- (c) the number of days with dates in the months referred to above in (a) when water ran in the minors named above ;
- (d) whether it is a fact that Muhammadpur minor, on this Branch is generally closed when water is running in the major to the great loss of zamindars of the villages on this minor ;
- (e) whether it is also a fact that there is a general complaint of shortage of water at the tail of this minor ;
- (f) if so, what steps Government proposes to take to remove this complaint ;
- (g) what were the actual gauges of the tail of Muhammadpur minor during the months of June, July, August and September 1934, and what were the permissible gauges ;
- (h) when the last silt clearance of this minor was made ;
- (i) whether it is a fact that the minor requires silt clearance very badly now and the landowners at the tail are applying for it to the authorities concerned of late, with no result ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a),

(b) and (c) Statements giving the required information are laid on the table.

(d) No. As the statements,—*vide* (a), (b) and (c) above show.

(e) No. There is no general complaint. Supply at the tail during months of June, July and August was more than the permissible. It was only in September that the tail supply fell below the authorised.

(f) When complaint of shortage at the tail was received in the second fortnight of September, immediate steps were taken to clear and berm cut the tail reach with the result that supply was improved. However in order to make it up to the authorised silt clearance will be done in the next closure available.

(g) Statement giving the information is laid on the table.

(h) During April 1926. Regrading of bed, however, was done last in December 1932.

(i) Yes. There is silt in the channel. The land owners at the tail complained of shortage at the tail in second fortnight of September and immediately on receipt of this complaint steps were taken to clear and berm cut the tail reach of the channel and this resulted in improvement.

Silt clearance will be done when the minor closes.

[25TH OCT. 1984..

[Hon'ble Sir Sikander Hyat-Khan.]

HISSAR DIVISION, WESTERN JUMNA CANAL.

Statement showing tail gauges of Muhammadpur Minor from 1st June, 1984, to 30th September, 1984.

JUNE 1934.		JULY 1934.		AUGUST 1934.		SEPTEMBER 1934.		REMARKS.
Date.	Gauge observed.	Date.	Gauge observed.	Date.	Gauge observed.	Date.	Gauge observed.	
1st June 1934	..	1st July 1934	1.3	1st August 1934	..	1st September 1934	..	1. The authorized full supply gauge at the fall is 1.0.
2nd June 1934	..	2nd July 1934	..	2nd August 1934	..	2nd September 1934	1.25	2. Tail gauges are not read daily.
3rd June 1934	1.2	3rd July 1934	..	3rd August 1934	1.2	3rd September 1934	..	
4th June 1934	..	4th July 1934	1.3	4th August 1934	..	4th September 1934	1.2	
5th June 1934	1.2	5th July 1934	..	5th August 1934	1.2	5th September 1934	..	
6th June 1934	..	6th July 1934	1.3	6th August 1934	..	6th September 1934	1.2	
7th June 1934	..	7th July 1934	..	7th August 1934	1.2	7th September 1934	..	
8th June 1934	..	8th July 1934	..	8th August 1934	..	8th September 1934	..	
9th June 1934	..	9th July 1934	..	9th August 1934	..	9th September 1934	1.2	
10th June 1934	..	10th July 1934	..	10th August 1934	1.0	10th September 1934	..	
11th June 1934	..	11th July 1934	..	11th August 1934	..	11th September 1934	1.3	
12th June 1934	..	12th July 1934	..	12th August 1934	0.9	12th September 1934	..	

13th June 1934	..	13th July 1934	..	13th August 1934	..	13th September 1934	..
14th June 1934	..	14th July 1934	..	14th August 1934	..	14th September 1934	1.25
15th June 1934	..	15th July 1934	..	15th August 1934	1.0	15th September 1934	..
16th June 1934	..	16th July 1934	..	16th August 1934	..	16th September 1934	1.0
17th June 1934	1.0	17th July 1934	..	17th August 1934	1.4	17th September 1934	..
18th June 1934	..	18th July 1934	..	18th August 1934	1.0	18th September 1934	0.7
19th June 1934	..	19th July 1934	..	19th August 1934	..	19th September 1934	..
20th June 1934	1.15	20th July 1934	..	20th August 1934	1.0	20th September 1934	0.65
21st June 1934	..	21st July 1934	..	21st August 1934	..	21st September 1934	..
22nd June 1934	1.15	22nd July 1934	..	22nd August 1934	1.1	22nd September 1934	0.75
23rd June 1934	..	23rd July 1934	..	23rd August 1934	..	23rd September 1934	..
24th June 1934	1.15	24th July 1934	..	24th August 1934	..	24th September 1934	0.9
25th June 1934	..	25th July 1934	..	25th August 1934	1.1	25th September 1934	..
26th June 1934	..	26th July 1934	..	26th August 1934	..	26th September 1934	0.9
27th June 1934	1.15	27th July 1934	..	27th August 1934	1.1	27th September 1934	..
28th June 1934	..	28th July 1934	..	28th August 1934	..	28th September 1934	..
29th June 1934	..	29th July 1934	..	29th August 1934	1.1	29th September 1934	..
30th June 1934	..	30th July 1934	..	30th August 1934	..	30th September 1934	..
		31st July 1934	..	31st August 1934	..		

As Guna Branch also close on 16th July 1934 and cup madpur Minor Tell on 19

Minor

No.	Date	Run	Days supply
12	..	R	24
13	..	R	20
14	..	R	18
15	..	R	19
16	..	R	19
17	..	R	19
18	..	R	18
19	..	R	19
20	..	R	19
21	..	R	19
22	..	R	19
23	..	R	19
24	..	R	19
25	..	R	19
26	..	R	19
27	..	R	19
28	..	R	19
29	..	R	19
30	..	R	19
Total No. of days supply was run.			24

DELHI-MONTGOMERY ROAD.

***3688. Lala Jyoti Prasad :** Will the Honourable Minister for Agriculture please state :—

- (a) whether it is a fact that there are some ten miles where there is soling only of late between Badopal and Sirsa on the Delhi-Montgomery Road in the Hissar district ;
- (b) whether it is a fact that these miles have never been metalled and tarred ;
- (c) whether it is a fact that owing to recent increased motor traffic the soling is wearing out to the great loss of Government and to the great inconvenience of the travelling public ;
- (d) if the answer to (a), (b) and (c) be in the affirmative, what steps Government propose to take to put the road in proper condition by having it metalled and tarred as early as possible ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes. The actual length is 14 miles.

(b) Yes.

(c) No. The wear is slight as traffic is not heavy. The surface is protected by sprinkling earth.

(d) The work is being completed as funds permit.

DELHI-MONTGOMERY ROAD.

***3689. Lala Jyoti Prasad :** Will the Honourable Minister for Agriculture please state :—

- (a) whether it is a fact that rupees thirty thousand were granted by the Department in the near past to construct a portion of the road between Badopal and Hissar (in the Hissar district) with stone metal and tar when there was soling only for the last several years ;
- (b) whether it is a fact that half a mile still remains unconstructed in spite of the sanction of the above amount ;
- (c) what steps Government propose to take so that this half a mile be metalled and tarred soon and the section between Hissar and Badopal be completed ?

The Honourable Sardar Sir Jogendra Singh : (a) No. The road between Badopal and Hissar is already completely metalled.

(b) and (c) Do not arise.

THEFTS AND HOUSE-BREAKING IN HISSAR DISTRICT.

***3690. Lala Jyoti Prasad :** Will the Honourable Finance Member kindly state—

- (a) the number of cases of thefts and house-breaking in all the various police stations of the Hissar district, from 1st April 1934 to 30th September 1934 ;
- (b) the number of cases challaned ;

(c) the number of cases in which stolen property was recovered and the culprits were traced ;

(d) the reason for failure to recover the property or trace the culprits, if any ?

The Honourable Mr. D. J. Boyd :

(a) Theft	..	..	..	165
House-breaking	..	..	..	380
(b) Theft	..	..	..	77
House-breaking	..	..	..	88
(c) Theft	..	..	..	77
House-breaking	..	..	..	88

(d) The causes of failure in other cases to recover the property or trace the culprits are various, prominent amongst them being lack of co-operation from the public.

SECTION 110, CRIMINAL PROCEDURE CODE.

***3691. Lala Jyoti Prasad :** Will the Honourable Finance Member kindly state for the years 1982 and 1988 separately, for the district of Hissar, the number of persons—

(a) who were proceeded against under section 110 of Criminal Procedure Code ;

(b) who were placed under police surveillance ;

(c) in respect of whom history sheets were opened ?

The Honourable Mr. D. J. Boyd : The information is being collected and will be supplied to the honourable member when ready.

ASSISTANT SURGEONS AND DISTRICT OFFICERS OF HEALTH.

***3692. Lala Jyoti Prasad :** Will the Honourable Minister for Education be pleased to state the number of appointments or promotions made community-wise in the cadre of Assistant Surgeons and District Officers of Health from 1st January 1981 up till now ?

The Honourable Malik Sir Firoz Khan Noon : (i) Appointments to the cadre of Assistant Surgeons from the 1st January 1981 to date :—

	Muslims.	Hindus.	Sikhs.	Christians.	Total.
By direct appointment	13	2	2	2	19
By promotion	..	1	..	..	1
Total	13	3	2	2	20

[Hon'ble Malik Sir Firoz Khan Noon.]

(ii) Appointments to the cadre of District Medical Officers of Health :—

	Muslims.	Hindus.	Sikhs.	Christians.	Total.
By direct appointment	2	1	..	..	3
By promotion	..	..	..	..	..
Total	2	1	..	..	3

PAY OF IMPERIAL SERVICES.

*3693. **Lala Jyoti Prasad :** With reference to his answer to question No. 3268¹ (starred) asked on 26th June 1934, by Rao Bahadur Chaudhri Chhotu Ram, will the Honourable Finance Member please state—

- whether the Punjab Government has ever represented to the Government of India or the Secretary of State for India that the scale of pay of officers in the Imperial Services during these years of economic depression, is too liberal and requires modification ;
- whether it is a fact that a modification has been made or is under the consideration of Government in the case of officers of the Provincial Services ;
- if so, whether it is not proposed to take steps that a proportionate modification should be made in the scale of pay of officers in the Imperial Services ?

The Honourable Mr. D. J. Boyd : (a) and (c) I regret that I am unable to reply to these parts of the question as it is not in the public interest to disclose correspondence with the Government of India.

(b) Yes.

FISHERIES DEPARTMENT.

*3694. **Lala Jyoti Prasad :** Will the Honourable Minister for Agriculture please state—

- whether it is a fact that Director of Agriculture is the head of office as well as the Head of Department of the Fisheries staff ;
- if so, what streams have been inspected by the Director of Agriculture during the years 1932-33 and 1933-34 and with what results ; a report about the same may please be laid on the table ;
- whether promotions, transfers, punishments, and appointments amongst the outdoor fisheries staff are made on the recommendations of the Inspector of Fisheries ;

- (d) whether it is a fact that the Inspector of Fisheries was prejudiced against the staff on account of the interests of one of his near relative in the Department ;
- (e) in how many cases punishments were inflicted on the outdoor (fisheries) staff, three years prior to and three years after the Inspector's said relative was registered as a candidate for employment in the Department of Fisheries ;
- (f) whether it is a fact that the increment of all the Deputy Sub-Inspectors of Fisheries except that of the Inspector's said relative was stopped, the thus leaving nobody else for promotion to the next higher grade ;
- (g) whether it is also a fact that after the Inspector's complaints of unsatisfactory work of the staff, no other officer took the trouble of inspecting the work and full reliance was given to the reports of the Inspector of Fisheries ;
- (h) what is the check over the Inspector of Fisheries against any unfair or undesirable treatment to the outdoor Fisheries staff ;
- (i) whether it is a fact that serious allegations have been made in writing and submitted to the Director of Agriculture, Punjab, about differential treatment and extreme favouritism used by the Inspector of Fisheries in favouring some and discarding others ;
- (j) if so, a copy of these allegations may please be laid on the table ;
- (k) whether any enquiry in respect of these allegations has been made or is proposed to be made ; if not, why not ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) The Director of Agriculture in the course of his ordinary tours of inspection of all the activities of the Department inspects streams as occasion arises. No separate record of inspection of streams is maintained.

(c) Yes ; but recommendations may or may not always be accepted.

(d) There is no evidence to this effect.

(e) Two and fourteen.

(f) Yes.

(g) No ; each case was thoroughly examined before orders withholding increments were passed.

(h) Close supervision by the Assistant Director and Director of Agriculture.

(i) Yes.

(j) It is not in the public interest to lay a copy on the table.

(k) The allegations were investigated but were not considered to have been proved.

SUB-INSPECTOR OF POLICE AND HIS STAFF, CITY POLICE STATION,

HANSI.

***3695. Lala Jyoti Prasad :** Will the Honourable Finance Member kindly state—

- (a) whether Government is aware of a letter which appeared under the heading "Hansi ke halat" in a weekly Urdu paper *Haryana Bandhu*, dated 15th August 1934, issued from Jakhlal mandi in the Hissar district ;
- (b) whether it is a fact that allegations in this letter are against the the sub-inspector, police, and his staff, city police station, Hansi, in the Hissar district ;
- (c) what steps Government have taken or propose to take to find out the truth made in the allegations in the letter referred to above, and to punish the officers if the allegations prove to be true ?

The Honourable Mr. D. J. Boyd : (a) and (b) I have made enquiries, and find that the facts are as stated by the honourable member.

(c) The allegations are being enquired into by the Superintendent of Police who, if he considers necessary, will report the matter to Government through the usual channels.

CHIEF JUSTICE AS A MEMBER OF THE SYNDICATE OF PUNJAB UNIVERSITY.

***3696. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the place occupied by Sir Shadi Lal, the late Chief Justice of the province, on the Syndicate of the Punjab University, was filled before the latter's retirement, to whom the place was given, and the reason why matters were rushed through ;
- (b) whether the present Chief Justice is also a member of the Syndicate of the Punjab University ?

The Honourable Malik Sir Firoz Khan Noon : (a) The Chief Justice is not *ex-officio* member of the Syndicate. The Right Honourable Sir Shadi Lal decided to resign his seat on the Syndicate on the 12th of April 1934. Under directions from him, as Dean of the Law Faculty, a meeting of the Law Faculty to elect his successor on the Syndicate was notified on the 14th of April to be held on the 30th of April 1934. The Dean of the Faculty under the Regulations is the authority to direct the holding of a meeting of the Faculty. The Faculty on the 30th of April 1934, presided over by its Dean, elected Lala Jaggan Nath Aggarwal, M.A., LL.B., M.L.A., as its representative on the Syndicate in place of the Right Honourable Sir Shadi Lal. Since ample notice of meeting was given and everything was perfectly in accordance with the rules and regulations there was no 'rush through' ; hence no reasons are necessary.

(b) The present Chief Justice is not a member of the Syndicate of this University.

HARASSMENT OF POLITICAL WORKERS BY POLICE.

***3697. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that Manga Ram of village Mandorthi, district Rohtak, was a political worker ;
- (b) whether it is a fact that he is kept under police surveillance ;
- (c) whether it is a fact that police constables harass the relatives of the said Manga Ram in his absence ;
- (d) if so, why ?

The Honourable Mr. D. J. Boyd : (a) and (b) Yes, but he has been absent from the Rohtak district since May 1934 and is believed to have employment in the United Provinces.

(c) No.

(d) Does not arise.

MUNICIPAL COMMITTEE, HOSHIARPUR.

***3698. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that an influential Muslim deputation of Hoshiarpur waited on the Deputy Commissioner, Hoshiarpur, and the Commissioner, Jullundur, and produced some convincing facts and figures pointing how the voting strength of Hindus has been shown much more in the last voting list of Hoshiarpur municipality than their actual voting strength ;
- (b) whether the Government has made enquiries into the allegations ;
- (c) whether those allegations were found true ?

The Honourable Dr. Gokul Chand Narang : (a) Yes, it is a fact that a Muslim deputation waited upon the Deputy Commissioner, Hoshiarpur, and the Commissioner, Jullundur Division, and had also furnished some facts and figures showing how the number of non-Muslim voters had been increased in the case of the Hoshiarpur Municipality. They also put in written representations in this respect which were summarily enquired into and rejected both by the Deputy Commissioner, Hoshiarpur, and the Commissioner, Jullundur Division.

(b) Does not arise.

(c) As at (a) above.

MEDICAL SCHOOL, AMRITSAR.

***3699. Chaudhri Afzal Haq :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that in the Medical School, Amritsar, out of 11 professors there is only one Muslim professor ;
- (b) whether it is a fact that these professors are also the examiners of the students ;
- (c) the number of the successful Muslim students as compared with non-Muslim each year since 1928 ?

The Honourable Malik Sir Firoz Khan Noon : (a) The number of lecturers on the staff of the Amritsar School is eight. One of these is a Muslim.

(b) In accordance with the practice generally obtaining in the medical colleges and schools of India two examiners are appointed for each subject, one of these being a member of the staff of the institution concerned, the other an outsider. The examinations are conducted by the Punjab Medical Faculty, not by the staff of the School.

(c) A statement containing the required information is laid on the table, *Statement showing the number of students of Medical School, Amritsar, who succeeded in passing the final professional examination (years 1928 to 1934).*

Year of passing.	Number of Muslim passes.	Number of non-Muslim passes.	Total number of passes.
Final Professional examination—			
1928	21	53	73
1929	23	31	54
1930	23	56	79
1931	18	41	59
1932	31	49	80
1933	23	42	65
1934	11	15	26
Total	150	286	436

MEDICAL SCHOOL, AMRITSAR.

***3700. Chaudhri Afzal Haq :** Will the Honourable Minister for Education be pleased to state—

(a) whether the Government has made enquiries if the professors of Medical institutions in other provinces are the examiners of the same institutions ;

(b) if not, whether the Government will follow the practice of appointing outsiders as examiners in preference to the professors of the Medical School, Amritsar ?

The Honourable Malik Sir Firoz Khan Noon : (a) A reference is invited to the reply given to the last preceding question. The system followed at Amritsar is the same as that in the medical institutions in other provinces.

(b) Does not arise.

MUNICIPAL ENGINEER, LYALLPUR.

***3701. Chaudhri Afzal Haq :** Will the Honorable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the Municipal Engineer, Lyallpur, has built stables in the Goal Bagh ;
- (b) whether the sanction of the Commissioner was obtained before building these stables ;
- (c) if not, why not ?

The Honourable Dr. Gokul Chand Narang : (a) Yes. The buildings are temporary ones, constructed by the Municipal Engineer on a small plot of land leased to him by the municipal committee for the purpose. The lease, which was approved by the municipal committee in two resolutions passed respectively on the 16th November 1933 and the 25th January 1934, was for two years on a rent of Rs. 6 per *marla* per annum.

(b) By its resolution of the 16th November 1933 the municipal committee sought the Commissioner's permission in the terms of section 48 of the Punjab Municipal Act, 1911. The permission was accorded in a letter issued by the Commissioner on the 28rd May 1934.

(c) It is understood that the Municipal Engineer constructed his buildings before the receipt of the permission which had been sought from the Commissioner. If so, there would seem to have been a technical impropriety, but the matter does not appear to be of great importance.

MUNICIPAL COMMITTEE, LYALLPUR.

***3702. Chaudhri Afzal Haq :** Will the Honorable Minister for Local Self-Government be pleased to state—

- (a) whether the Lyallpur Municipal Committee purchased a boiler some years back ;
- (b) the cost price of the boiler and for how much it was sold ;
- (c) whether the sale of the boiler was advertised or whether the boiler was auctioned ;
- (d) why the sale was not advertised ?

The Honourable Dr. Gokul Chand Narang : (a) Yes, in 1915.

(b) The cost price of the boiler was approximately Rs. 8,000. It was sold this year for Rs. 1,200.

(c) The sale of the boiler was advertised in the press and otherwise. It was originally intended to auction it, but on the date fixed for the auction no bidder appeared.

(d) Does not arise.

MUNICIPAL COMMITTEE, LYALLPUR.

***3703. Chaudhri Afzal Haq :** Will the Honorable Minister for Local Self-Government be pleased to lay on the table the following documents —

- (a) majority report of Lyallpur municipality, dated 18th May 1931 ;
- (b) minority report of the Lyallpur municipality, dated 18th may 1931 ;

[Ch. Afzal Haq.]

- (c) Macdonald report (inspection) of 28th November 1933 ;
- (d) the reply of charges by members brought against them by Mr. Macdonald report, dated 24th May 1934 ;
- (e) special report of Mr. Macdonald report, dated 27th December 1933, with letter from the Deputy Commissioner, Lyallpur, dated 14th June 1934 ;
- (f) special report of Mr. Macdonald on Batha (kila) of 25th November 1933, and also letter No. 2364-B. 93 of 14th June 1934 ;
- (g) copy of letters addressed to the Deputy Commissioner and Minister for Local Self-Government by Sardar Hukam Singh, Government pensioner, on 31st May 1934 and 15th July 1934 ?

The Honourable Dr. Gokul Chand Narang : (a), (b), (c) and (e) There are no documents bearing the dates mentioned in the question, but in any case the documents intended by the honourable member are very lengthy, and copies of them cannot be made without an unnecessary amount of labour and expense for being laid on the table.

(d) There is no such document as referred to in this part of the question.

(f) The report having been returned by Government to the local officers for certain further enquiries is not available in the Secretariat, and it is, therefore, regretted that it cannot be laid on the table. It can, if so required, be laid on the table at some future sitting of the Council unless on examination it is considered not to be in the public interest to do so.

(g) No such letters have been traced in the office of the Deputy Commissioner or in the Secretariat.

Chaudhri Afzal Haq : May I know whether the majority or minority reports mentioned here are confidential ?

The Honourable Dr. Gokul Chand Narang : I never said so, did I ? Only they cover 85 closely typed foolscap pages.

Chaudhri Afzal Haq : Can any honourable member see it ?

The Honourable Dr. Gokul Chand Narang : Yes. Unless on perusal of that report it appears that there is something confidential. But I believe there is nothing confidential. I speak, however, subject to later examination.

FISHERIES RESEARCH OFFICER.

***3704. Chaudhri Afzal Haq :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether one Muslim M. Sc., (Honours School), in spite of his high qualifications, was not appointed as Fisheries Research Officer ;
- (b) whether it is a fact that one Bhai Ude Singh was appointed as Fisheries Research Officer without the post having been advertised ;

(c) whether it is a fact that the same Muslim M. Sc., who has higher qualifications than even Bhai Ude Singh, applied for the post of sub-inspector of fisheries ;

(d) what has been the fate of his application ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes. There was only a leave vacancy, and no applications were invited.

(b) Yes, the officiating arrangement was made by appointing Ude Singh, Senior Sub-Inspector, who is fully qualified.

(c) Leave vacancies are not filled by fresh recruitment, therefore no applications were considered.

(d) An application was received from a Muslim candidate after the appointment. It can only be considered when there is vacancy, and it is decided to fill it by fresh recruitment.

MUNICIPAL COMMITTEE, LYALLPUR.

***3705. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government be pleased to lay on the table the following documents —

(a) memorandum of the Rate Payers' Association, Lyallpur, submitted to the Commissioner, Multan, on 8rd August 1934 ;

(b) copy of the judgment of Commissioner, Multan, of 29th September, in case Lala Tirath Ram, contractor, Lyallpur municipality *versus* Lyallpur municipality ?

The Honourable Dr. Gokul Chand Narang : (a) A copy of the memorandum can presumably be had from the persons who submitted it, but if the honourable member insists a copy of it will be laid on the table as soon as it is ready.

(b) A copy of the judgment of the Commissioner of Multan can be had from the Commissioner's office in the usual way.

CRIMINAL INVESTIGATION DEPARTMENT UNDER THE NEW CONSTITUTION.

***3706. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

(a) whether there is a proposal to set up a Criminal Investigation Department of the police in this province under the new constitution which will be controlled by Central Government ;

(b) the actual scheme before the Government ;

(c) whether the provincial Government was consulted with regard to the scheme ?

The Honourable Mr. D. J. Boyd : I regret that it is not in the public interest to give the information required.

GENERAL ELECTIONS AND POLITICAL WORKERS.

***3707. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that those political workers who are ordained are not allowed to take part in the general elections of the Assembly and municipalities ;
- (b) whether this question was fully discussed by the Governor in Council ;
- (c) whether the Government is prepared to lay the resolution of Governor in Council on the subject on the table ;
- (d) whether the opinion of the Legal Remembrancer was sought thereupon ?

The Honourable Mr. D. J. Boyd : (a) No ordinance is in force in this province. The answer to this part of the question is, therefore, in the negative.

(b), (c) and (d) Do not arise.

Under section 3 (1) (d) of the Punjab Criminal Law (Amendment) Act, 35 persons, for the most part terrorists and communists, have been restricted from taking part in political processions and meetings of more than five persons and from making speeches in public, also from directing or assisting in propaganda against Government. With these exceptions they are free to take part in elections.

NON-PERENNIAL CHANNELS OF DIPALPUR AND PAKPATTAN TAHSILS
AND RELIEF IN WATER RATES.

***3708. Khan Sahib Mian Nur Ahmad Khan :** Will the Honourable Member for Revenue be pleased to state—

- (a) the exact period of time for which the kharif channel of the Dipalpur and Pakpattan tahsils used to run before the advent of the Sutlej Valley Canal ;
- (b) the total period of time during which the non-perennial channels of the Sutlej Valley Canal in the Dipalpur and Pakpattan tahsils are supposed to run ;
- (c) the exact dates from which the non-perennial channels of the Sutlej Valley Canal operating in Dipalpur and Pakpattan tahsils began to flow (1) nominally, (2) effectively during this year ;
- (d) whether it is a fact that cotton sowing was delayed for about 2 months during this year as a result of the delayed commencement of the flow season on the non-perennial channels operating within the Pakpattan and Dipalpur tahsils ;
- (e) whether water rate chargeable on cotton, rice and sugarcane crops now raised in areas served by non-perennial channels is not 3 times or about 3 times the rate charged on the same varieties of canal-irrigated crops before the advent of the Sutlej Valley Canal ;

- (f) what relief, if any, is proposed to be granted to the cultivators in the water rate leviable on cotton, rice and sugarcane crops in the areas served by the non-perennial canals in the Pakpattan and Dipalpur tahsils in consequence of the loss suffered by them?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (b) Times of opening of inundation canals mean little. The correct criterion is the average monthly supply run, over a period of years. The average monthly supplies run under inundation conditions (average of 5 years 1921—1925) as compared with the average supplies run under weir controlled conditions (1930—34) are :—

	<i>Inundation.</i>	<i>Sutlej Valley Project.</i>
April	8	1,089
May	935	1,694
June	2,688	3,827
July	5,543	4,582
August	6,276	5,551
September	5,281	5,157
October	820	8,502
November	78	70

- (c) The average monthly supplies run in 1934 were :—

April	467
May	538
June	3,003
July	4,868
August	5,505
September	4,754

- (d) Partially owing to low supplies in river.

- (e) About 2 to 2½ times.

- (f) None as the crops actually sown are in good condition.

SALE, MORTGAGE, &C., OF AGRICULTURAL HOLDINGS IN PAKPATTAN AND DIPALPUR TAHSILS AND ARREARS OF LAND REVENUE.

***3709. Khan Sahib Mian Nur Ahmad Khan :** Will the Honourable Member for Revenue please state—

- (a) if he is aware of the fact that in order to pay land revenue arrears defaulting zamindars belonging to Pakpattan and Dipalpur tahsils have been compelled either to sell, lease or mortgage their holdings in a large number of cases ;
- (b) the total number of sales, mortgages or leases of agricultural holdings which have taken place in the Pakpattan and Dipalpur tahsils for meeting the land revenue and other similar demands during the current year ;

[K. S. Mian Nur Ahmad Khan.]

(c) the total amount of arrears of land revenue relating to proprietary holdings in the Pakpattan and Dipalpur tahsils for the last 4 crops ;

(d) what relief in land revenue demands, if any, is proposed to be given to owners of proprietary holdings of the Pakpattan and Dipalpur tahsils ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No.

(b) The objects for which alienations have taken place could not be ascertained without a detailed enquiry.

(c) A statement is laid on the table.

(d) Government do not contemplate giving any relief on the grounds suggested by the honourable member.

Statement of arrears of land revenue relating to proprietary holdings in the Pakpattan and Dipalpur Tahsils for the last 4 crops.

Harvest.	Pakpattan tahsil.	Dipalpur tahsil.
	Rs.	Rs.
<i>Kharif 1932-33</i>	4,071	2,646
<i>Rabi 1933</i>	6,498	2,187
<i>Kharif 1933-34</i>	20,918	3,577
<i>Rabi 1934</i>	44,529	62,189
Total ..	76,016	70,599

LAND REVENUE ARREARS IN PAKPATTAN AND DIPALPUR TAHSILS.

***3710. Khan Sahib Mian Nur Ahmad Khan :** Will the Honourable Member for Revenue be pleased to state—

(a) how many processes for the arrest of defaulting landowners in the Pakpattan and Dipalpur tahsils have been issued during the current year for the recovery of arrears of land revenue ;

- (b) how many defaulters have, in fact, been committed to custody in consequence of such coercive processes ;
- (c) whether Government is aware that many defaulting land owners have been compelled to conclude forward contracts of the sale of cotton at Rs. 3 or even Rs. 2 per maund for payment of land revenue arrears ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan :

(a) Pakpattan tahsil	..	..	..	718
Dipalpur tahsil	..	..	..	259
(b) Pakpattan tahsil	..	..	..	382
Dipalpur tahsil	..	..	..	180
(c) Government have no information.				

NOTIFICATION OF MUHYAL BRAHMINS OF LYALLPUR DISTRICT AS AGRICULTURISTS.

***3711. Mian Nurullah :** Will the Honourable Member for Revenue please state whether it is a fact that some non-agricultural tribes like the Muhyal Brahmins of Lyallpur district have recently applied for being notified as agriculturists within the meaning of the Land Alienation Act, and whether Government intends to notify them ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The fact is that certain tribes (including the Muhyal Brahmins of the Lyallpur district) who claim to be "agricultural" by occupation, have applied to be notified as "agricultural tribes" under section 4 of the Punjab Land Alienation Act. Government's orders will be based on the results of the inquiry as to the facts made in each case.

WATER-CHANNELS FOR IRRIGATION.

***3712. Mian Nurullah :** Will the Honourable Member for Revenue please state what action has been taken on the report of the Settlement Officer, Lyallpur, mentioned in answer to starred question No. 3354¹ ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The report of the Settlement Officer, Lyallpur, has since been received and the matter is still under the consideration of Government.

EXCHANGE OF PROPRIETARY LAND FOR CROWN WASTE LAND.

***3713. Mian Nurullah :** Will the Honourable Member for Revenue please state—

- (a) whether it is a fact that there are instructions of the Financial Commissioner, Punjab, that no application to exchange proprietary land or land occupied for five years or more or land

[Mian Nurullah.]

in well-settled colonies or land of which the proprietary rights have been acquired for the Crown waste land be entertained or granted except in cases of land water-logged or rendered permanently unfit for cultivation ;

(b) whether it is a fact that the Settlement Committee, Lyallpur district, passed a resolution requesting the Government to allow exchange of land if desired by any zamindar for the Crown waste land ;

(c) what action has been taken or is proposed to be taken on the resolution ?

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

(b) Government has no information.

(c) Does not arise.

ISSUE OF COERCIVE PROCESSES FOR RECOVERY OF LAND REVENUE
ARREARS IN LYALLPUR DISTRICT.

3714. Mian Nurullah : Will the Honourable Member for Revenue please state—

(a) in how many cases coercive processes for the recovery of arrears of land revenue were issued in the Lyallpur district in the years 1922 to 1934, respectively ;

(b) what has been the last day for payment of land revenue in the above years ;

(c) the amount in arrears each year and the total amount in arrears now ;

(d) the percentage of cases in which land revenue was paid in more than one instalment by the lambardars at the time of each harvest in the above years ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a), (b) and (c) A statement is laid on the table.

(d) It is regretted that this information is not readily available. Its collection would involve an expenditure of time and labour incommensurate with the public advantage to be gained.

Mian Nurullah : Who judges the time and amount and labour required ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Elaborate enquiry will have to be made, and it will not serve any useful purpose.

Mian Nurullah : Is it the opinion of the Honourable Revenue Member or of the Government ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : This is the opinion of the Government.

Statement regarding issue of coercive processes for the recovery of arrears of land revenue in the Lyallpur district.

Year.	(a) Number of coercive processes issued (excluding writs).	(b) Last due date for the payment of land revenue.	(c) Amount in arrears each year.
			Rs.
1921-22	114	For Kharif—28th February.	..
1922-23	110		..
1923-24	176		39
1924-25	95		1,02,900
1925-26	98		61,272
1926-27	189	For Rabi, 31st July ..	7,026
1927-28	314		..
1928-29	406		..
1929-30	461		45
1930-31	1,376		2,073
1931-32	1,859	Kharif—28th February .. Rabi—30th September ..	4,547
1932-33	3,647		59,251
1933-34	3,350	Kharif—31st March .. Rabi—15th August.	1,43,574
Total outstanding arrears on 30th September 1934.	..	..	1,47,568

AREA UNDER *KHUD KASHT* IN LYALLPUR DISTRICT.

***3715. Mian Nurullah :** Will the Honourable Member for Revenue please state the percentage of area—

(a) under *khud-kasht* (self cultivated) ;

(b) at the rent other than *batai* and cash rent, in the Lyallpur district for the years 1922 to 1933 ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The information is being collected and will be supplied to the honourable member when ready.

METHOD OF CALCULATING NET INCOME IN FARM ACCOUNTS.

***3716. Mian Nurullah :** Will the Honourable Member for Revenue please state—

- (a) if the Government has seen the farm accounts published by the Board of Economic Development, Punjab (Rural Section), and more particularly the part relating to siri or direct cultivation ;
- (b) whether the method of calculating net income adopted in the farm account is different from that adopted in the land revenue assessment rules, 1929 ; if so, in what respects ;
- (c) which method is more accurate ;
- (d) whether it is not a fact that the self-cultivating proprietor is prejudiced by the method of calculating net assets given in the assessment rules, 1929 ; if so, whether the Government is prepared to change it ; if not, why not ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Yes ;

(b) it is open to the honourable member to draw his own conclusion after studying the two documents referred to ;

(c) and (d) Government are always prepared to consider any constructive suggestions for improving the statutory rules in question. For the present they have no reason to believe that the rules are not the best in the circumstances.

ABOLITION OF SPECIAL PAY TO OFFICERS OF IMPERIAL SERVICES.

***3717. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly lay on the table of the House a statement showing the annual saving effected by the abolition, if any, of special allowances given to the officers of various Imperial Services before retrenchment ?

The Honourable Mr. D. J. Boyd : The information is being collected and will be supplied to the honourable member when ready.

CINEMA HOUSES AND ENTERTAINMENT TAX.

***3718. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state whether Government has ever taken any step, and, if it has not, whether it has any objection to taking necessary steps now to ascertain in the number of cinema houses in the towns of Lahore, Amritsar, Multan, Sialkot, Rawalpindi, Jullundur, Ludhiana, Ferozepore and Ambala, the average daily attendance at each of these houses and the income which will accrue by the levy of a fee of 6½ per cent. on the price of each ticket issued ?

The Honourable Mr. D. J. Boyd : Government has taken steps to ascertain the approximate income which would result from the imposition of a tax on cinema tickets. The net yield has not yet been calculated, and the matter is still under consideration.

APPLICATION OF TRANSFER OF PROPERTY ACT TO URBAN AREAS.

✓*3719. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state whether Government has considered the question of applying the Transfer of Property Act to urban areas and has formed any estimate of the income which will result from this application ; if it has not, whether it has any objection to doing so now ?

The Honourable Mr. D. J. Boyd : The question is still under consideration and information is being collected regarding the income likely to accrue from the application of the Act to urban areas.

TAX ON BOTTLES OF AERATED WATER.

✓*3720. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state whether Government has taken any steps to ascertain the number of bottles of aerated water sold in the Punjab, and has formed any estimate of the income which Government can make in a year by levying a uniform vend fee at one pice per bottle ; if it has not, whether it has any objection, and, if so, what, to doing so now ?

The Honourable Mr. D. J. Boyd : The information has been collected, but further consideration of the proposal to levy such a vend fee was postponed until such time as the financial condition of the province makes it absolutely necessary. Government are reluctant to tax the consumption of aerated waters which is one of the few alleviations of the hot weather within reach of the poorer classes.

TAX ON BICYCLES.

✓*3721. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state whether Government has taken any steps to ascertain the number of bicycles in use in the province and the average number of them purchased every year by the inhabitants of this province, and what will be the annual income if a tax of two rupees per bicycle is levied from the owners of bicycles, and if a surcharge of 6½ per cent. is levied on the sale price of each bicycle ?

The Honourable Mr. D. J. Boyd : The question of taxing bicycles is under the consideration of Government, and an endeavour to obtain the information referred to by the honourable member is being made in that connection. It has not been found possible to get information regarding imports from the North-Western Railway, as bicycles are not imported in a ready assembled condition. If the honourable member can suggest other means of obtaining information, his suggestions will be welcomed and will be carefully considered.

✓ RECRUITMENT OF POLICE CONSTABLES FROM ROHTAK DISTRICT.

*3722. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state whether any instructions have been issued stopping the recruitment of police constables from the Rohtak district ?

The Honourable Mr. D. J. Boyd : No.**CHOWKIDARS IN THE ROHTAK DISTRICT.**

*3723. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the number of village chowkidars in the Rohtak district and the proportion of them who are (a) above sixty and (b) above fifty ; how many of them are Sbeikhs and how many of them are ex-soldiers ?

The Honourable Mr. D. J. Boyd : It will take a considerable time to collect the required information, and I would suggest that the honourable member's object will be achieved if Government consult the local authorities regarding the replacement of chowkidars who are too old or are otherwise unfit for their work by younger and more suitable men.

ORDERLIES OF OFFICERS.

*3724. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state by districts the number of orderlies attached to various officers in the districts of Rohtak, Hissar, Karnal and Gurgaon and how many of them are ex-soldiers ?

The Honourable Mr. D. J. Boyd : The information is being collected and will be supplied to the honourable member when ready.

PUNITIVE POLICE IN ROHTAK DISTRICT.

*3725. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the names of the villages in the Rohtak district by tahsils in which it is proposed to station additional police, and the punitive charges which it is proposed to levy upon those villages ?

The Honourable Mr. D. J. Boyd : A list of the villages in the Rohtak district by tahsils on which additional Police have lately been imposed is laid on the table. The total cost of the additional Police is estimated to be Rs. 78,060.

List.

Serial No.	Name of village.	Name of tahsil.
1	Sanghi	Rohtak.
2	Khidwali	Do.
3	Jaasia	Do.
4	Barohna	Do.
5	Rohna	Do.
6	Kiloi	Do.

Serial No.	Name of village.	Name of Tahsil.
7	Farmana, Police Station Sampla	Rohtak.
8	Silana	Do.
9	Mohallas Qassaban, Mundhalian and Basti Ghanipura of Rohtak City.	Do.
10	Kahni	Gohana.
11	Chhichraun	Do.
12	Puthi	Do.
13	Mirzapur Kheri	Do.
14 and 15	Gangana and Garhi Gangana	Do.
16	Siwana Mal	Do.
17	Rana Kheri	Do.
18	Jagsi	Do.
19	Gharwal	Do.
20	Kahelra	Do.
21	Kathura	Do.
22	Bhanderi	Do.
23	Bainsi	Do.
24	Gugaheri	Do.
25	Chandi	Do.
26	Chiri	Do.
27	Ajaib	Do.
28	Gurawar	Do.
29	Nidana	Do.
30	Farmana, Police Station Mehm	Do.
31	Kharak Jatan	Do.
32	Bhatgaon Rattangarh	Sonepat.
33	Salemsar Majra	Do.
34	Kilorad	Do.

ABSCONDERS IN THE PROVINCE.

✓
***3726. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the number of absconders on the 15th June 1934 in each district of the Punjab ?

The Honourable Mr. D. J. Boyd : A statement giving the required information is laid on the table.

Statement showing the number of absconders.

District.	Absconders proclaimed under section 87, Criminal Pro- cedure Code, on 15th June 1934.	Absconders not yet proclaimed under section 87, Criminal Pro- cedure Code, on the 15th June 1934.	Total.
Hissar	246	17	263
Rohtak	93	..	93
Gurgaon	160	2	162
Karnal	115	1	116
Ambala	36	3	39
Simla	15	2	17
Hoshiarpur	56	4	60
Jullundur	77	28	105
Ludhiana	121	16	137
Kangra	45	5	50
Ferozepore	392	77	469
Lahore	360	17	377
Amritsar	359	66	425
Gurdaspur	81	11	92
Sialkot	80	27	107
Gujranwala	75	..	75
Sheikhupura	71	5	76
Montgomery	188	40	228
Lyallpur	85	5	90
Jhang	32	2	34
Multan	88	7	95
Muzaffargarh	37	42	79
Dera Ghazi Khan	36	26	62
Gujrat	162	26	188
Shahpur	105	21	126
Jhelum	49	..	49
Rawalpindi	69	36	105
Campbellpur	44	1	45
Mianwali	31	..	31
Total	3,308	487	3,795

COGNISABLE CASES IN THE PUNJAB.

✓*3727. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the number of cognisable cases registered in each districts of the Punjab in 1932, 1933 and 1934, respectively ?

The Honourable Mr. D. J. Boyd : A statement giving the required information is laid on the table.

Statement showing the number of cognizable cases registered in each district of the Punjab in 1932, 1933 and 1934.

District.	1932.	1933.	Up to 31st August 1934.
Hissar	2,732	2,314	1,172
Rohtak	1,552	1,307	744
Gurgaon	1,141	1,093	675
Karnal	2,626	2,274	1,205
Ambala	1,473	1,381	806
Simla	501	482	150
Hoshiarpur	1,091	929	611
Jullundur	3,218	3,089	903
Ludhiana	3,538	3,539	840
Kangra	514	470	315
Ferozepore	5,103	4,801	1,875
Lahore	9,656	9,619	3,917
Amritsar	4,261	3,309	1,719
Gurdaspur	1,849	1,598	1,127
Sialkot	2,136	2,158	874
Gujranwala	1,965	2,000	878
Sheikhpura	1,975	2,144	1,294
Montgomery	2,564	2,702	1,418
Lyallpur	2,160	2,324	1,406
Jhang	1,156	1,227	622
Multan	3,274	2,519	1,581
Muzaffargarh	1,247	1,342	923
Dera Ghazi Khan	1,675	1,520	1,233
Gujrat	1,199	2,184	1,009
Shahpur	1,469	1,823	715
Jhelum	874	937	576
Rawalpindi	3,681	3,886	887
Attock	1,480	2,066	629
Mianwali	95	720	505

PUNITIVE POLICE IN ROHTAK DISTRICT.

✓*3728. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state the grounds on which punitive police has been stationed in each of the 33 villages selected for punishment in the Rohtak district, whether the inhabitants of these villages were given an opportunity to show cause why additional police should not be quartered in their villages, or whether any intimation of the grounds necessitating punitive police was sent to the villagers at all ?

The Honourable Mr. D. J. Boyd : The imposition of additional police at the cost of 33 villages in the Rohtak district and 3 *mohallas* of Rohtak city was necessitated by the assistance given by the inhabitants to a succession of desperate outlaws of whom the last and most notorious was Moghla, who, from 1932 up to the 15th May 1934, when he was arrested, was responsible for 15 murders or attempted murders in addition to 1 dacoity and 2 robberies. In consequence of the harbouring of the outlaws Banwari and Harphul and the occurrence of a large number of dacoities in the district in the year 1930, a proposal to impose additional police on 55 villages in the district, including 11 of those on which additional police have now been imposed, was prepared in 1931. Government decided, however, to give the district a chance to report, and in reply to an address presented to him at Rohtak on the 15th April 1931 by the District Zamindars League, Sir Geoffrey deMontmorency administered an unmistakable warning of the consequence of continued failure to assist the authorities in controlling crime. Unfortunately no heed was paid to this grave warning, and the outlaw Moghla was freely harboured and assisted and thereby enabled to escape arrest for a period of two years. It will thus be seen that the reasons which would necessitate the imposition of additional police were intimated to the inhabitants of the Rohtak district as a whole in most unmistakable terms some two and-a-half years before the additional police were actually imposed, and that the inhabitants of the villages concerned had every opportunity to render the imposition of the additional police unnecessary by co-operating with the authorities.

DISTRICT INSPECTOR OF SCHOOLS, GURGAON DISTRICT AND THE TEACHING OF HINDI AND URDU IN THE PRIMARY SCHOOLS.

*3729. **Lala Jyoti Prasad** : Will the Honourable Minister for Education kindly state—

- (a) the number of district board primary schools in Gurgaon district in which Hindi was started from the infant classes as the first vernacular before the appointment of the present Muslim District Inspector in the district ;
- (b) the number of such schools in which Urdu has been introduced as the first language since his appointment ;
- (c) whether it is a fact that in the Divisional Conference of the Inspectors of Ambala division it was resolved that Hindi should be the first language in district board schools where the majority of students belong to Hindu community and Urdu where the majority belong to Muslim community ;

- (d) if answer to (c) is in the affirmative, whether he proposes to take any action against the said District Inspector to ensure carrying out of the resolution ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected and will be supplied to the honourable member when ready.

CO-OPERATIVE CREDIT SOCIETIES.

***3730. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Agriculture be pleased to state the total number of co-operative credit societies in the Punjab stating also how many of these are—

- (a) co-operative credit societies ;
- (b) educational societies ;
- (c) co-operative shops ;
- (d) land consolidation societies ;
- (e) welfare societies ?

The Honourable Sardar Sir Jogendra Singh : 19,231 that is—

- (a) 17,497.
- (b) 95.
- (c) 22.
- (d) 1,097.
- (e) 520.

WORKING CAPITAL OF CO-OPERATIVE VILLAGE BANKS.

***3731. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Agriculture be pleased to state the total working capital of co-operative village banks in the Punjab ?

The Honourable Sardar Sir Jogendra Singh : The total working capital of co-operative agricultural credit societies in the Punjab is Rs. 8,32,26,994.

GROSS AND NET INCOMES FROM AGRICULTURE AND LAND REVENUE AND ABIANA.

***3732. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) the total (gross) income of the Punjab from agriculture in the last year for which figures are available, stating also the method in which the estimate was worked out ;
- (b) the net income of the province from agriculture for the same year, also stating the method in which the estimate was worked out ;
- (c) the total land revenue of the province for the same year ;
- (d) the total abiana of the province for the same year ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Information regarding (a) and (b) is not available ;

(c) The total land revenue of the province for the year 1932-33 was Rs. 4,38,95,000 ;

(d) Rs. 3,92,89,000.

AGRICULTURISTS, LANDED PROPRIETORS AND MONEY-LENDERS.

***3733. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the number, according to the latest figure available, of those in the Punjab—

1. (a) who are supported by agriculture ;
 (b) the number of adult males amongst them ;
 (c) the number amongst (a) who are literate and of those amongst the literate who know English ;
2. landed proprietors in the province, specifying about them also the details specified in (b) & (c) of part 1 of the question ;
3. money-lenders in the province, specifying as regards them the details specified in parts (b) and (c) of part 1 of the question ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the Census of India, 1931 Report, Volume XVII (Punjab), Part II, Tables, which contains all the information on the subject possessed by this Government.

SALE OF AGRICULTURAL LAND IN GUJRAT.

***3734. Chaudhri Muhammad Abdul Rahman Khan :** With reference to starred question No. 8254¹, dated the 25th June 1934, will the Honourable Revenue Member be pleased to state the provisions of paragraph 37 of the Land Administration Manual whereby the order of the Deputy Commissioner according sanction was, if at all, a valid order, and if paragraph 37 does not cover the case, what action the Government propose to take ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member's attention is invited to paragraph (iv) of Council question No. 8254¹, dated 26th June 1934. It is also against constitutional practice for Government to express an opinion on a matter that might form the subject of judicial proceedings before the Commissioner or the Financial Commissioner.

SALE OF AGRICULTURAL LAND IN VILLAGE KANDHANWALA, GUJRAT DISTRICT.

***3735. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the agricultural land mutated by mutation No. 868 of 1929-30 of village Kandhanwala in Gujrat district had been sold by an agriculturist to a non-agriculturist, and if this was in fact so, the date on which the sale was effected ;

¹Pages 14-19 ante.

- (b) whether the sale was effected after obtaining sanction from the Collector ;
- (c) if sanction was given by the Collector, whether, in Government's view, it is covered by any, and, if so, which of the rules laid down in paragraph 87 of the Land Administration Manual ;
- (d) if it is not covered by any of the rules in paragraph 87 what action the Government propose to take ;
- (e) to what use the land is being put by the vendee according to the entries in the *khasra girdawari* from the time of the sale onwards ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Yes, on the 31st March 1930.

(b) The Deputy Commissioner, on the repeated requests of the vendor, Malik Mohammad Din Sufi, sanctioned the sale, which had been effected by means of a registered deed.

(c) It is against constitutional practice for Government to express an opinion on a matter that might form the subject of judicial proceedings before the Commissioner or Financial Commissioner.

(d) Does not arise.

(e) The land is under cultivation.

Chaudhri Allah Dad Khan : What was the area of the land for the sale of which sanction was given by the Deputy Commissioner ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I am afraid I would require notice.

Chaudhri Allah Dad Khan : Can the Honourable Member give the reason why the agriculturist wanted to sell his land ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Probably his creditors were pressing him.

Chaudhri Allah Dad Khan : The Deputy Commissioner should not have sanctioned the sale.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The proper remedy then would be to have recourse to law.

Chaudhri Allah Dad Khan : Cannot the Revenue Member or the Financial Commissioner review the case of their own accord and revise the orders of sanction ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Why should the Financial Commissioner do so ?

Chaudhri Allah Dad Khan : Because there has been the violation of the Punjab Land Alienation Act.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : But he must be satisfied that there has been violation of the Land Alienation Act.

CONTRAVENTIONS OF THE ALIENATION OF LAND ACT IN THE GUJRAT DISTRICT.

***3736. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) the number of contraventions of the Alienation of Land Act in the district of Gujrat, which came to the notice of the Civil Courts during the last five years ;
- (b) the number of cases in which they also recommended that sanction should be accorded for the sale ;
- (c) whether there is anything to show that these recommendations, when made, were made with due regard to the provisions of paragraph 37 of the Land Administration Manual ;
- (d) the number of such cases in which sanction was given, and whether there is anything to show that the provisions of paragraph 37 of the Land Administration Manual were observed in all cases in giving the sanction ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It is regretted that the information is not available, and its collection would involve an amount of labour and expense that would be against the public interest to incur.

WATER-LOGGING IN GUJRAT DISTRICT.

***3737. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) the date on which irrigation was first commenced at the Chilianwala distributory of the Upper Jhelum Canal ;
- (b) whether it is a fact that some years after the Chilianwala distributory had been started, all the villages towards its north began to be waterlogged, and if the answer is in the affirmative, how soon the matter was brought to the notice of the Government ;
- (c) whether it is a fact that waterlogging is increasing in the villages towards the north of the distributory and whether one village Lakhanwali by name has been really absolutely depopulated ;
- (d) whether it is a fact that waterlogging is now at its worst in the villages of Pindi Bahauddin and Kandhanwala ;
- (e) whether it is a fact that the water from the waterlogged areas near Kot Biloch, Shahidanwali and Lakhanwali, etc., all flows towards Pindi Baha-ud-din and Kandhanwala ;
- (f) whether it is a fact that the flow mentioned in (e) has completely ruined most of the arable land in these villages which is situated towards the north of the distributory ;
- (g) the number of people who died of malaria in Pindi Bahauddin in 1933 ;
- (h) the number of cattle carried away by cattle epidemics in Pindi Bahauddin in 1933 ;

- (*) whether it is a fact that the sub-soil water-level in Pindi Bahaud-din is between six inches and one foot and, if not, what it is ;
- (j) whether it is a fact that there is hardly any dry approach to Pindi Bahaud-din owing to the waterlogging and that the village school is surrounded by water on all sides ;
- (k) the rate per year of the rise in the water-table in these villages, in particular Pindi Bahaud-din ;
- (l) whether it is a fact that the Waterlogging Assistant to the Govern-ment, Punjab, and the Waterlogging Superintendent to the Punjab Government, along with certain local officials made inspections of Pindi Bahaud-din and the other waterlogged villages, and, if so, what were their reports, and whether it is a fact that they also reported that five years hence hardly any arable land would be left in these villages ;
- (m) whether it is a fact that a woman died by drowning last year by getting stuck in a waterlogged field in Pindi Bahaud-din ;
- (n) what relief measures, if any, the Government propose to take in this respect ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) 1916.

(b) With the advent of the canal, spring levels in this tract commenced to rise and the fact has been under notice since then.

(c) and (k) On the whole, observations show that the subsoil water level has become steady, and that water-logging is not on the increase ; although abnormal rainfall does accentuate conditions. Lakhanwali village was evacuated about 1926.

(d) The answer is " No " ; waterlogging has not appreciably increased since the present drain was completed in 1926.

(e) Yes, the water flows past Bahaud-din to the outfall of the drain.

(f) The deterioration is due to flooding from rainfall and is less with the drains in existence than it would have been had they not been excavated.

(g) About 80.

(h) About 20 ponies and 80 head of cattle.

(i) The subsoil water is about one foot below ground in the vicinity of the drain increasing to two feet further back.

(j) Yes, during the monsoon, but during the winter the approaches are dry.

(l) Yes, the Waterlogging Assistant to the Financial Commissioners together with certain local officials inspected the tract ; but it is not correct that he reported that " 5 years hence hardly any arable land would be left in these villages ".

(m) No.

[Hon. Sir Sikander Hyat-Khan.]

(n) The present drain has this year been improved and new pumps of two and a-half times the former capacity were installed prior to the monsoon. It is also proposed to widen and deepen the Bahaiddin drain further and link it with the Haria drain now under construction in order to provide a gravity outfall for the former.

SALE OF COURT-FEE AND OTHER STAMPS.

***3738. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state the total income of the province from—

- (i) sale of court-fee stamps ;
- (ii) sale of stamps other than court-fee stamps during each of the years 1925 to the present day, stating also the total amount of the stamp vendors' commission for each year ?

The Honourable Mr. D. J. Boyd : A statement is laid on the table.

Statement showing the total income from the sale of court-fee and non-judicial stamps and the total amount of commission paid to licensed stamp vendors in the Punjab during the financial years 1925—1934.

YEAR.	INCOME FROM THE SALE OF		COMMISSION PAID TO STAMP VENDORS ON THE SALE OF	
	Court-fee stamps.	Non-judicial stamps.	Court-fee stamps.	Non-judicial stamps.
	Rs.	Rs.	Rs.	Rs.
1925-26	1,10,33,901	41,92,399	46,356	1,05,187
1926-27	71,11,130	38,91,374	31,210	1,04,353
1927-28	75,51,064	39,96,926	32,753	1,11,816
1928-29	78,52,155	39,96,099	40,904	1,19,877
1929-30	75,45,034	41,90,530	35,469	1,09,586
1930-31	73,78,879	38,96,262	30,740	1,06,797
1931-32	73,52,450	39,15,390	30,254	1,10,565
1932-33	76,07,746	40,32,496	31,689	1,14,068
1933-34	76,25,581	33,64,217	32,702	89,070

ACREAGE OF AGRICULTURAL LAND, LAND REVENUE AND ABIANA.

***3739. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) the total acreage of agricultural land in the Punjab on the latest date for which figures are available, also specifying such date ;

(b) the total provincial land revenue for the same year ?

(c) the total provincial *abiana* for the same year ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) The sense in which the honourable member has used the term "agricultural land" is not clear, but perhaps the statistics given in statement No. 1 of the Land Revenue Report for the year ending September 1933 will meet his requirements.

(b) The total land revenue (including assigned revenue) for that year was Rs. 4,67,42,524.

(c) The total *abiana* (occupiers' rate) assessed for 1931-32 was Rs. 3,69,66,908.

STAFF OF CENTRAL TRAINING COLLEGE, LAHORE.

***3740. Sardar Arjan Singh :** Will the Honourable Minister for Education kindly state—

(a) the total strength of the staff of the Central Training College, Lahore ;

(b) the number of members of the staff community-wise ;

(c) whether it is a fact that the representation of the Sikhs is highly inadequate in the above institution ;

(d) if so, what steps the Government have taken for the proper representation of the Sikhs during the last five years, and what steps they are further contemplating to remove this under-representation of the Sikhs ?

The Honourable Malik Sir Firoz Khan Noon : (a) 22.

(b) Hindus 11 or 50 per cent.

Muslims 6 or 27·3 „

Sikhs 3 or 13·7 „

Others 2 or 9 „

(c) The Sikh representation being a little better than their population percentage in the province cannot be regarded as inadequate. It may, however, be added for the honourable member's information that it is neither possible nor desirable to maintain communal proportions on the staff of each individual institution.

(d) Does not arise.

STAFF OF GOVERNMENT COLLEGE, LAHORE.

***3741. Sardar Arjan Singh :** Will the Honourable Minister for Education kindly state—

(a) the total strength of the staff of the Government College, Lahore ;

(b) the number of members of the staff community-wise ;

(c) whether it is a fact that the Muslim community generally, and the Sikh community in particular, were poorly represented 10 years ago ;

[Sardar Arjan Singh.]

(d) whether it is a fact that the Government have taken special measures for due representation of the Muslims ;

(e) whether it is a fact that the Government have taken absolutely no steps to arrange for an adequate representation of the Sikhs in the above institution ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) The honourable member's attention is drawn to the statement given in my answer to question No. 856¹ asked in the last session of the Council. The only change in the permanent staff of the college since then is that the number of Muslims has been reduced by one.

(c) Yes.

(d) No.

(e) The policy of Government was stated by the Honourable Finance Member in a debate in the Legislative Council on the 19th of July, 1927. This is still the policy of the Government, and Government continue to carry out the requirements of the formula contained in the said statement of policy.

SARDAR BALWANT SINGH, DEPUTY SUB-INSPECTOR OF FISHERIES,
KANGRA.

***3742. Thakur Pancham Chand :** Will the Honourable Minister for Agriculture please state—

(a) whether it is a fact that Sardar Balwant Singh, Deputy Sub-Inspector of Fisheries, Kangra, has been removed from service as a result of departmental enquiry held against him by Mr. D. P. Johnstone, Assistant Director of Agriculture, Punjab, in respect of certain charges framed against him ;

(b) whether the enquiry was held at Palampur, a place 25 miles away from Kangra ; if so, the reasons for it ;

(c) the expenditure that has been incurred for holding the enquiry at Palampur and the estimated expenditure if the enquiry were held at Kangra ;

(d) why the enquiry was not entrusted to the Deputy Director of Extra Assistant Director of Agriculture incharge of that circle to avoid unnecessary expenditure ;

(e) whether it is a fact that Mr. Johnstone has defective hearing, and that he was not able to understand the colloquial *Pahari* language used by the witnesses ; also whether the statement of witnesses was not read over the same day and later on material discrepancies arose ;

(f) whether it is a fact that the statement of witnesses was reduced to writing quite different to what the witnesses stated ; if not, whether a copy of the marginal notes by Sardar Balwant Singh on the statement of witnesses will be laid on the table ?

The Honourable Sardar Sir Jogendra Singh: The information asked for is not ready and will be communicated to the honourable member when ready.

COMMUNAL REPRESENTATION IN KARNAL MUNICIPAL COMMITTEE.

***3743. Mr. Mukand Lal Puri:** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that the total number of members of the Karnal Municipal Committee is sixteen, twelve elected (i.e. five Muslims and seven non-Muslims) and four nominated;
- (b) whether it is a fact that out of the four nominated members, two Muslims, one non-Muslim and one official were nominated at the time of the last election;
- (c) whether it is a fact that according to the voting strength coupled with population (formula of Sir Fazl-i-Hussain) the non-Muslims are entitled to eight seats instead of seven and Muslims to four instead of five;
- (d) if so, why this formula has not been acted upon in the case of Karnal Municipal Committee;
- (e) in any case, why an attempt was not made to rectify this disparity by nominating an additional non-Muslim member;
- (f) whether it is a fact that representations were made to the Honourable Minister by the Hindus and the members of the depressed classes on the subject;
- (g) what action Government proposes to take in this matter?

The Honourable Dr. Gokul Chand Narang: (a) Yes.

(b) Yes.

(c) No.

(d) Does not arise.

(e) and (g) The facts have been brought to the notice of the Commissioner, with whom the appointments in this second class municipality rest.

(f) Yes.

DESCRIPTION OF CERTAIN PRISONERS AS "BABAR AKALIS" OR "POLITICAL WORKER".

***3744. Sardar Arjan Singh:** Will the Honourable Member for Finance kindly state—

- (a) whether it is a fact that some prisoners in the Punjab jails are by occupation described as 'Babar Akali' or 'political worker' or 'Babar Akali, political worker';
- (b) whether there is any warrant for describing any prisoners as 'Babar Akali';
- (c) if replies to (a) and (b) are in the affirmative; what is meant by 'Babar Akali';
- (d) whether it is a fact that such prisoners are kept in separate cells;

[Sardar Arjan Singh.]

- (e) if so, whether this is done under the orders of the Government and whether Government will place a copy of such order on the table ;
- (f) the reasons to keep all such prisoners in separate cells apart from the consideration of an individual prisoner's particular case ;
- (g) whether Government intends to recall such orders, if there be any ;
- (h) the number of the prisoners designated as ' Babar Akalis ' by occupation ?

The Honourable Mr. D. J. Boyd : (a) No.

(b) to (h) inclusive. Do not arise.

RECOGNITION RULES.

***3745. Diwan Bahadur Raja Narendra Nath :** With reference to his reply to starred question No. 3119¹ asked by me, whether or not retrospective effect is given to newly framed recognition rules, will the Honourable Minister for Education be pleased to state—

- (a) whether any decision has so far been arrived at or not ;
- (b) whether Government is aware that the Director of Public Instruction has already stated in the Education report for 1932-33 on page 27 that these rules of recognition " do not apply to old schools already recognised ".
- (c) whether Government intends going back against what was contained in its own report ;
- (d) if not, whether he will consider the desirability of incorporating it in the rules of recognition that they shall only apply to schools to be recognised hereafter ?

The Honourable Malik Sir Firoz Khan Noon : (a) The question is still under consideration.

(b) The complete sentence referred to is—

" The defects mentioned in the last year's report (these relate to insecurity of tenure and irregular payment of salaries to teachers) generally continue as the rules of recognition which demand service rules and sound financial position do not apply to old schools already recognised ".

(c) The Director of Public Instruction's statement referred to by the honourable member will be borne in mind when Government is considering the question of the retrospective application of the new rules to the old institutions.

(d) The honourable member's suggestion will be duly considered.

AGHA SHER AFGHAN KHAN AND THE CIRCLE REGISTRAR OF CO-OPERATIVE SOCIETIES, AMBALA.

***3746. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Agriculture please state—

- (a) whether it is a fact that Agha Sher Afghan Khan, a representative of the Ludhiana Central Co-operative Bank, Ludhiana, sent some questions and a censure motion against the Circle Registrar, Co-operative Societies, Ambala, for insertion in the agenda of the Punjab Co-operative Union, Limited's meeting to be held in August 1933 ;
- (b) if answer to (a) above be in the affirmative, whether the Registrar, Co-operative Societies, Punjab, refused to entertain the said questions and resolution ; if so, his reasons for that refusal ;
- (c) whether the Registrar (Punjab) is aware that Agha Sher Afghan Khan had genuine reasons for sending in the said questions and resolution, and whether he enquired the mover's grounds before refusing to entertain them ;
- (d) the Registrar's reply to the mover ; and
- (e) whether the Registrar, Punjab, has power as President of the Punjab Co-operative Union, Limited, to refuse to entertain questions and resolutions without going into their merits ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) Yes. The resolution and questions were outside the scope of the objects of the Union.

(c) No.

(d) The Registrar informed the gentleman that he declined to take action as proposed.

(e) Yes. The Rules of Procedure empower the President (the Registrar) to exclude from the agenda matter which he may consider not proper for inclusion.

AGHA SHER AFGHAN KHAN AND THE CIRCLE REGISTRAR OF CO-OPERATIVE SOCIETIES, AMBALA.

***3747. Khwaja Muhammad Eusoof :** Will the Honourable Ministers for Agriculture please state—

- (a) whether it is a fact that a pamphlet containing serious allegations against the administration of the Circle Registrar, Co-operative Societies, Ambala, was issued by Agha Sher Afghan Khan of Ludhiana and a copy of the same was sent to the Registrar, Co-operative Societies, Punjab ;
- (b) whether the Registrar on the receipt of the said pamphlet made any enquiries personally or through some other officials ; if not, why not ;
- (c) if any enquiry was made and with what result ;
- (d) what reply, if any, the Registrar sent to Agha Sher Afghan Khan ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) An enquiry was conducted through the Deputy Registrar.

(c) The allegations were found to be false and malicious.

(d) The Registrar informed Agha Sher Afghan Khan of this finding.

CIRCLE REGISTRAR OF CO-OPERATIVE SOCIETIES, AMBALA.

***3748. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Agriculture please state—

(a) whether it is a fact that in July 1933 and again in August 1933, S. Mohammad Yakub Khan, Director of the Central Co-operative Bank, Ludhiana, tabled a censure motion against the Circle Registrar, Co-operative Societies, Ambala, and the said motion was put on the Bank agenda ;

(b) whether the Registrar, Co-operative Societies, Punjab, asked the Deputy Commissioner, Ludhiana, that such things should not be allowed ;

(c) whether the Registrar enquired from the mover his reasons for proceeding as such ;

(d) the reasons for the Registrar's action ?

The Honourable Sardar Sir Jogendra Singh : Government has no information as the proceedings of co-operative institutions are not under its control.

CIRCLE REGISTRAR OF CO-OPERATIVE SOCIETIES, AMBALA.

***3749. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Agriculture please state—

(a) whether it is a fact that after the publication of the pamphlet mentioned in question No. 3747 above and after censure motion was tabled by Agha Sher Afghan Khan and Sardar Mohammad Yakub Khan of Ludhiana, an election petition was made to the Registrar, Co-operative Societies, Punjab, against the election of the aforesaid gentleman to the Ludhiana Central Co-operative Bank directorate ;

(b) whether the Registrar sent the said election petition to the Circle Registrar, Co-operative Societies, Ambala, for disposal ;

(c) whether the Registrar, Punjab, received a transfer application supported by affidavits by these gentlemen ;

(d) whether the Government will kindly lay a copy of the said application on the table together with the order of the Registrar on it ;

(e) whether the Registrar, Punjab, received a transfer application from Sardar Gurnam Singh, a director of the Central Co-operative Bank, Ludhiana, against whom also the said election petition referred to in (a) above was made, and he also requested that the said election petition be transferred from the Circle Registrar, Co-operative Societies, Ambala, to some other officer ;

- (f) the Registrar's order on the transfer application of Sardar Gurnam Singh ;
- (g) whether the Circle Registrar, Co-operative Societies, Ambala, then on the basis of the said election petition sent a restraint order to the Central Co-operative Bank, Ludhiana, and the gentlemen referred to above to the effect that they were not allowed to participate in any function as directors of the Central Co-operative Bank, Ludhiana, or attend its meetings ;
- (h) if answer to (g) above be in the affirmative, whether the Circle Registrar, Co-operative Societies, Ambala, was empowered to issue such restraint orders ; if so, under what rule ;
- (i) whether the Registrar, Punjab, in view of the restraint order, which he afterwards cancelled, refused to transfer the said election petition from the Circle Registrar, Ambala, to some other officer ;
- (j) whether the said election petition was made under bye-law No. 18 of the Central Co-operative Bank, Ludhiana, and whether Government will kindly lay a copy of the said bye-law on the table ;
- (k) the final order of the Circle Registrar, Ambala, on that election petition, placing a copy of his order on the table ;
- (l) whether the Registrar, Punjab, revised the order of the Circle Registrar, Ambala, on the election petition, and what was his order ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes ; but the application in question was not an election petition, but a dispute referred to the Registrar under Rule 18 of the Rules under the Co-operative Societies Act.

(b) The Assistant Registrar of Co-operative Societies, Ambala, himself exercises the full powers of a Registrar in such matters, and the application was therefore sent to him for disposal.

(c) Yes.

(d) Copies are laid on the table.

(e) Yes.

(f) Copies are laid on the table.

(g) The Assistant Registrar in summoning the gentlemen in question for the hearing of the dispute directed them to refrain from exercising their functions as Directors of the Central Bank pending its decision.

(h) and (i) It is a matter of doubt whether such an order of restraint could be passed in a case of this nature and, in view of this doubt, on application being made to the Registrar he requested the Assistant Registrar to withdraw it. The passing of the restraint order constituted no ground for a transfer of the dispute nor was it made a ground for any application for transfer.

[Hon. Sir Jogendra Singh.]

(j) As stated above the application was not an election petition, but the reference of a dispute between members of a co-operative society under the provision of the Co-operative Societies Act and the rules thereunder. It alleged a breach of by-law No. 18 of the Ludhiana Central Co-operative Bank, a copy of which is laid on the table.

(k) A copy of the Assistant Registrar's award is laid on the table.

(l) A petition for revision of the order was made to the Registrar, although there is no legal provision for such revision. The Registrar rejected the petition and a copy of his order is laid on the table.

(Transfer application filed by M. Muhammad Yaqub Khan.)

From—MOHAMMAD YAQUB KHAN, Pleader, J. V. P., and Director, Ludhiana Central Co-operative Bank, Limited.

To—F. B. WACE, Esq., I.C.S., Registrar, Co-operative Societies, Punjab, Lahore.
S. JODH SINGH,

versus

S. GURNAM SINGH, Director,

S. MOHAMMAD YAKUB KHAN, Pleader, Director.

AGA SHER AFGAN KHAN, Director.

Transfer application from the arbitrator Mr. Iqbal Singh, A.R., of the so-called election petition under by-law 18 filed by the applicant and named as respondent by the A. R. Mr. Iqbal Singh.

Sir,

The grounds of transfer are as follows :—

1. That the enmity of the A. R. is patent with the petitioner (affidavit attached). The petitioner has tabled *inter alia* a censure motion against the A. R., and that he (the petitioner) and S. Joginder Singh, Pleader, member District Board and Managing Director, L. C. C. Bank, have tabled a motion against the A. R. and his staff.
2. That the arbitrator (Mr. Iqbal Singh) tried hard to oust the petitioner from the Bank Committee in the last election in March 1933.
3. That Agha Sher Afgan Khan, Director, a defendant in the said so-called election petition, has openly pamphleteered against the anti-Muslim activities of the A. R. (Mr. Iqbal Singh).
4. That other prominent Muslim gentlemen, societies and papers have written and are writing against A. R.'s anti-Muslim machinations.
5. That the A. R. has got this frivolous application filed and illegally restrained the petitioner from attending Bank meetings which inherently shows his implicable enmity towards the petitioner.
6. That the petitioner shall summon the A. R. as his witness to prove A. R.'s part in this show.
7. That the application *per se* is a farce and *ultra vires*.
8. That to further harass the petitioner the A. R. has summoned him to Ambala, whereas the petition should be heard where the alleged invalidity was committed. This is another glaring instance of his despotic bias and prejudice.
9. That the A. R. has not supplied the petitioner with a copy of the so-called election petition, and has asked for the production of defence which is palpably illegal and harassing.
10. That the A. R. has summoned the petitioner to Ambala on the 2nd September 1933 to decide the said frivolous petition summarily in one sitting, whereas dates should have been fixed for striking issues and then for hearing the parties and arguments. This is another instance of his incompetency to hear such petition and his zeal to wrong the petitioner.
11. That in May last when the arbitrator (A. R.) tried to square up all the differences, created and originated by his despotic activities with the petitioner, he was rebuffed by defendant No. 1 and the petitioner when he vainly attempted to outwit both of us at a special tea given in honour of saving him (A. R.) from further annihilation.

Therefore, it is requested that in view of the above facts the petitioner has no faith in the arbitrator the O. R., the so-called election petition be transferred to some other official of British descent, and that it be heard and decided if it is so considered, at Ludhiana.

I solemnly affirm that what is given above is true to the best of my knowledge and belief.

(Sd.) MOHAMMAD YAKUB KHAN,
Pleader.

28-8-1933.

(Transfer application filed by Sardar Gurnam Singh.)

From—GURNAM SINGH, Director, the Ludhiana Central Co-operative Bank, Limited,

To—F. B. WACE, Esq., L.C.S., Registrar, Co-operative Societies, Punjab, Lahore.

DR. JODH SINGH,

versus

S. GURNAM SINGH and others, Directors of Ludhiana Central Co-operative Bank.

SIR,

I respectfully beg to apply for the transfer of election petition of Dr. Jodh Singh from S. Iqbal Singh, Assistant Registrar, who has rendered himself unfit for such arbitration on the following grounds:—

1. That the Assistant Registrar on account of his enmity with myself has made the applicant to file this application.
2. That I have in the meeting opposed the unreasonable demands of the Assistant Registrar's party which opposed me in the last general election in accordance to the Assistant Registrar's wishes.
3. That the Assistant Registrar some three months back tried to patch up his differences with me and other defendants in this petition, but he met with retorts because he wanted to play upon us fraudulently.
4. That despite Assistant Registrar's opposition I voted for the formation of Managing Committee and verifying sub-committee.
5. That notwithstanding Assistant Registrar's sponsoring the Shena C. O. scheme, I voted for dropping this question on most reasonable grounds.
6. That the Assistant Registrar by the help of his party got an article published against myself and my colleagues in the daily *Sikh Sewak* of Amritsar.
7. That the Assistant Registrar has got published several pamphlets against my relatives, the proprietor Khalsa Boot Botes, with a view to putting pressure upon me and bringing me round to his own views.
8. That the Assistant Registrar has issued an illegal restraint order which reflects his innate enmity with myself.

Therefore it is requested that the said election be transferred to some other responsible officer.

(Sd.) GURNAM SINGH,
DIRECTOR,

The Ludhiana Central Co-operative Bank, Ltd.

30-8-33.

I have passed orders on two similar applications to-day. The same orders will apply.

(Sd.) F. B. WACE,

31-8-1933.

Registrar, Co-operative Societies, Punjab.

(Order of the Registrar on the transfer application).

Transfer application filed by Muhammad Yaqub Khan, B.A., LL.B., in connection with a petition under bye-law 18 of the Central Co-operative Bank, Limited, Ludhiana.

An application has been made to Sardar Iqbal Singh acting with the powers of a Registrar calling in dispute the validity of the election of the Directors of the Central Co-operative Bank, Limited, Ludhiana. This dispute has to be decided by the Registrar, Sardar Iqbal Singh, under provisions of the Co-operative Societies Act and rules thereunder. The applicant S. Muhammad Yaqub Khan is one of the three members against whom the application is being made. He has applied to me to order transfer of the case to some officer other than Sardar Iqbal Singh on the grounds that that officer is hostile to him and he, therefore, does not expect justice at his hands. He goes so far as to allege that the application has been filed at the instance of Sardar Iqbal Singh himself.

[25TH OCT. 1934.]

[Hon. Sir Jogendra Singh.]

There is, as a matter of fact, no provision in the Act or the notified rules to empower such a transfer. In such cases the Assistant Registrar is himself exercising the full powers of a Registrar under the Act. I have, however, considered the application on its merits, and I see no reason why it should not be decided by Sardar Iqbal Singh. The allegation that S. Iqbal Singh is inimical to the applicant, is supported first by a bare affidavit that this is in fact the case, and, secondly, by various statements that the applicant himself has made accusations against the Assistant Registrar. The consequence, therefore, of such a claim as this would be that any person can oust the jurisdiction of an officer by the simple expedient of entering upon a campaign of unscrupulous defamation against that officer and thereupon alleging that this proves that there is hostility between them. I am well aware of the campaign which the applicant and others have been carrying on against the Assistant Registrar, Ambala, but I have no evidence that the Assistant Registrar himself is in any way hostilely disposed to the applicants. I reject the application. The applicant to be informed.

(Sd.) F. B. WACE,

Registrar, Co-operative Societies, Punjab.

31st August, 1933.

(Order of the Registrar on the revision application.)

By submitting this as an application for revision, the petitioner has recognized the fact that no appeal lies from the order in question, which was given by the Assistant Registrar exercising the powers of Registrar. Nor in fact is there any legal provision for revision of such an order. On another application in connection with this case I exercised my general powers of control over Assistant Registrars, and requested the withdrawal of an interim restraint order. I should only take such action where there has been a patent miscarriage of justice, and on going carefully through this case, I can find no evidence that such miscarriage has occurred. I am, in fact, satisfied that the Assistant Registrar's interpretation of the by-laws and his findings of fact are correct; his decision follows inevitably.

I therefore reject this application. The applicant should be informed.

(Sd.) F. B. WACE,

Registrar, Co-operative Societies.

16-1-34.

(Copy of the Assistant Registrar, Ambala's award.)

Reference, dated 11th August 1933, under Rule 18 of the Rules published by Punjab Government, under Section 43 (1) of the Co-operative Societies Act II of 1912 in Punjab Government Notification No. 13319, dated 23rd July 1917.

Jamadar Sardar Jodh Singh, President, Gill Co-operative Society and shareholder of the Ludhiana Central Co-operative Bank, Limited, Ludhiana.—*Plaintiff,*

Versus

(1) Sardar Gurnam Singh, (2) S. Muhammad Yaqub Khan, Durrani, B.A., L.L.B., Pleader, and (3) Agha Sher Afghan Khan, Directors of the Ludhiana Central Co-operative Bank, Limited, Ludhiana.—*Defendants.*

Heard by Assistant Registrar, Co-operative Societies, Ambala with powers of Registrar under Rule 18 referred to above.

Decision given on 4th November 1933.

Petition for declaration to the effect that the election of defendants as Directors of the Ludhiana Central Co-operative Bank, Limited, was invalid and void under bye-law 18.

Held that the election of defendants as Directors of the Ludhiana Central Co-operative Bank, Limited, by the General Meeting of the Bank held on 21st March 1933 was invalid and void under bye-law 18 of the said bank.

(Sd.) IQBAL SINGH,

Assistant Registrar, Co-operative Societies, Ambala.

4-11-33.

No. 439-C., dated 4th November 1933.

Copy of the above forwarded to the—

(1) Plaintiff (Dr. Jodh Singh V. & P. O. Gill), for information.

(2) Central Co-operative Bank, Limited, Ludhiana, for information and necessary action.

(Sd.) IQBAL SINGH,

Assistant Registrar, Co-operative Societies, Ambala.

Copy of bye-law No. 18 of the Ludhiana Central Co-operative Bank, Limited.

18. The Committee shall include seven representatives of share holding societies irrespective of their number and five representatives of individuals. Representatives of societies must be members of a share holding society, but need not be members of this Bank. Other members of the Committee must be share-holders of the Bank.

INSPECTOR OF CO-OPERATIVE SOCIETIES, JAGRAON.

***3750. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Agriculture please state—

- (a) whether it is a fact that the Inspector, Co-operative Societies, Jagraon, applied for a pistol licence in the beginning of 1934 ;
- (b) the reasons he advanced for obtaining the said licence and the result of the Government enquiries ;
- (c) what action in view of the police enquiry Government proposes to take as regards the feasibility of retaining this officer in Government service, especially in the Co-operative Department ;
- (d) whether Government is aware that previously the Registrar, Punjab, received many applications from co-operators of Jagraon tahsil against this officer and also a demi-official from Mr. F. A. Connor, late Deputy Commissioner, Ludhiana ; what action the Government took or now proposes to take ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) For self-protection ; but the District Magistrate did not grant the licence.

(c) No police enquiry was held, which could be made the basis of any action against the official.

(d) Some complaints were made, but on investigation they proved to be baseless. There is no record of the demi-official letter.

Khwaja Muhammad Eusoof : Was any police inquiry made ?

The Honourable Sardar Sir Jogendra Singh : No, no police inquiry was held.

INSPECTOR OF CO-OPERATIVE SOCIETIES, LUDHIANA.

***3751. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Agriculture please state—

- (a) how many applications the Registrar, Co-operative Societies, Punjab, received against the Inspector Co-operative Societies, Ludhiana, from May to September 1934 ;
- (b) the purport of such applications ;
- (c) what enquiry, if any, was held by the Registrar into such applications and through whom and with what result ;

[Khwaja Muhammad Eusoof.]

(d) whether it is a fact that a clash occurred amongst the co-operators of Sherpur Kalan Co-operative Credit Society, tahsil and district Ludhiana, and people were challaned in May last ;

(e) the cause of the clash referred to in (d) above ?

The Honourable Sardar Sir Jogendra Singh : (a) None.

(b) and (c) Do not arise.

(d) I have no information of the alleged clash.

(e) Does not arise.

MUSLIM DEPUTATION AT LUDHIANA ON THE REGISTRAR, CO-OPERATIVE SOCIETIES.

***3752. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Agriculture please state—

(a) whether it is not a fact that a deputation of Muslim representatives of the co-operative societies of Ludhiana district waited on the Registrar, Co-operative Societies, Punjab, in January last when he toured that district ;

(b) the submissions of the deputationists, and whether the Registrar promised to look into those allegations ;

(c) the result of the enquiry, if any, made by the Registrar and the name of the officer who was deputed to make the enquiry ;

(d) what action Government proposes to take if the result of those enquiries supports the version of the deputationists ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes ; but the deputation was representative of certain city societies only, and not of the district.

(b) That Muslims were unfairly treated by officers of the Department, e.g., that fewer societies were formed among Muslims than non-Muslims, that the credit limits of Muslim societies were unjustifiably reduced, etc.

(c) The Registrar enquired personally into the allegations by reference to the statistics maintained, and found them to be unjustified.

(d) Does not arise.

CENTRAL CO-OPERATIVE BANK, LUDHIANA.

***3753. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Agriculture please state—

(a) how many persons in 1934 applied for buying one share each of the Central Co-operative Bank, Ludhiana ;

(b) how many of them were rejected, and why, and whether the Circle Registrar, Ambala, was present in the meeting of the Board of Directors of the Central Co-operative Bank, Limited, Ludhiana, when such applications were rejected and the reasons for such rejection ;

(c) whether in 1933 and previously the Central Co-operative Bank, Ludhiana, sold by transfer one share each to every such buyer ;

(d) whether it is not against the registered bye-laws of the said Bank to refuse allotting one share ;

(e) whether the Registrar received any protest from any of those who were thus rejected, and what action he took ?

The Honourable Sardar Sir Jogendra Singh : (a), (b) and (c) These questions relate to the internal working of a co-operative bank, information about which is not available.

(d) No. The Bank has absolute discretion in the admission or exclusion of applicants for membership.

(e) No protest appears to have been received by the Registrar.

COMMUNAL REPRESENTATION IN THE DIRECTORATE OF CENTRAL CO-OPERATIVE BANK, LUDHIANA.

***3754. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Agriculture please state—

(a) the number of directors community-wise in the Central Co-operative Bank, Ludhiana, in January 1932 and in May 1934 ;

(b) what action Government proposes to take if the representation of any one community has gone low ; and the reasons for such low representation ?

The Honourable Sardar Sir Jogendra Singh : (a)—

	<i>Hindus.</i>	<i>Muhammadans.</i>	<i>Sikhs.</i>	<i>Christian.</i>
January 1932 ..	1	5	6	1
May 1934 .. ..	..	5	8	..

(b) None ; as Government has no control over the election of directors of co-operative banks, which is carried out by open election in a general meeting of shareholders. It may, however, be pointed out that Muslim representation as against non-Muslims is fully proportionate to their membership in the bank.

CO-OPERATIVE CREDIT SOCIETIES IN AMBALA AND LUDHIANA.

***3755. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Agriculture please state—

(a) the number of co-operative credit societies community wise in the districts of Ambala and Ludhiana (i) in January 1930, and (ii) in January 1934 ;

(b) the reasons if the number of co-operative societies of any community has gone low ?

The Honourable Sardar Sir Jogendra Singh : (a) Co-operative Societies are not classified community-wise, and the information is not available.

(b) Does not arise.

CONSOLIDATION OF HOLDINGS IN LUDHIANA AND AMBALA.

***3756. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Agriculture please state in how many villages (community-wise) of the districts of Ludhiana and Ambala, consolidations of holdings work was taken up by the Co-operative Department in 1931, 1932 and 1933 ?

The Honourable Sardar Sir Jogendra Singh :

		1931-32.	1932-33.	1933-34.
Ludhiana district	..	14	11	15
Ambala district	..	10	9	12

The information by communities is not available.

NAHAR SINGH, INSPECTOR OF CO-OPERATIVE SOCIETIES.

***3757. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Agriculture please state—

- (a) whether it is a fact that the complaints regarding Nahar Singh, S. L. C. S., Khanna, district Ludhiana, have been made to the Circle Registrar, Ambala, in connection with the Public High School, Khanna, agitation ;
- (b) what action the Circle Registrar took ; if not yet, what action the Registrar proposes to take against the officials concerned ?

The Honourable Sardar Sir Jogendra Singh : (a) The Assistant Registrar, Co-operative Societies, Ambala, received one such complaint from the managing committee of the school, which they subsequently withdrew.

- (b) The matter was dropped as the complaint had been withdrawn.

CO-OPERATIVE SOCIETY, SHERPUR KALAN.

***3758. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Agriculture please state—

- (a) whether it is a fact that the co-operative society, village Sherpur Kalan, tahsil and district Ludhiana, twice wired and afterwards submitted detailed accounts to the Registrar, Punjab, and complained against the local co-operative staff that they, backed by the Circle Registrar, Ambala, tried to create dissensions in the society ;
- (b) whether these wires and reports were sent to the Circle Registrar, Ambala, for investigation in spite of the fact that there were allegations against the Circle Registrar also ;
- (c) the result of the enquiry, if any, made by the Circle Registrar ;
- (d) whether the society was called upon by the Circle Registrar to substantiate its allegations or any evidence or statements of the society members taken ;
- (e) how did the Circle Registrar then conduct the enquiry ;

- (f) whether it is not a fact that the said society is working very satisfactorily, and rose from 'C' to 'B' class through the good management of the present managing committee ;
- (g) whether it is a fact that after the said wires were sent to the Registrar, an enquiry under section 35 of the Act was ordered ;
- (h) the reasons for ordering an enquiry under section 35 of the Act ;
- (i) whether Government will lay on the table the enquiries made by the Circle Registrar into the part played by the local co-operative staff, Ludhiana, in connection with the affairs of the Sherpur Kalan Society, district and tahsil Ludhiana ;
- (j) whether it is not a fact that the said society repeatedly requested the Registrar either to hold an enquiry personally or through some impartial officer, other than the Circle Registrar, and also informed the Registrar that the allegations were based on very reliable, oral and documentary evidence ;
- (k) if answer to (j) above be in the affirmative whether the Government will lay on the table a copy of the reply of the Registrar given to the said society ;
- (l) whether it is a fact that the president of the Sherpur Kalan Society, tahsil and district Ludhiana, bound himself to pay the expenses of the Registrar incurred on the journey from his own pocket, in case the enquiry was conducted by the Registrar personally and the allegation found baseless ;
- (m) if reply to (l) above be in the affirmative, the reasons of the Registrar for rejecting such a request ?

The Honourable Sardar Sir Jogendra Singh : (a) The leaders of one faction in the co-operative society mentioned sent a telegram and an application in May last to the Registrar alleging that the local subordinate staff were creating dissensions. These applications contained no allegations against the Circle Registrar.

(b) Yes ; as stated there were no allegations against the Circle Registrar personally.

(c) The Circle Registrar after enquiry concluded that the complaints were without foundation.

(d) and (e) The Circle Registrar called for a report from the Inspector, who had detailed knowledge of the society extending over a considerable period.

(f) No.

(g) Yes.

(h) Because the party in question, a father and his two sons, had obtained control over the society and were using their power to harass other members. The financial interests of the society were being subordinated to the satisfaction of personal feuds.

(i) It is not in the public interest to lay such record on the table.

[Hon. Sir Jogendra Singh.]

(j) A second application was then made to the Registrar, which was sent to the Deputy Registrar, Jullundur, for inquiry and report.

(k) An intermediate reply was given to the society that on conclusion of the inquiry, under section 35, suitable orders would be passed. At the same time the Deputy Registrar started to make personal inquiries, which are still proceeding.

(l) The President did make such an offer in the course of his application.

(m) Because the Registrar had full confidence in the ability of the Deputy Registrar to conduct the necessary inquiries, and himself had other pre-occupations of greater importance.

SHORT NOTICE QUESTIONS AND ANSWERS.

RE-APPOINTMENT OF RETRENCHED CLERKS IN IRRIGATION DEPARTMENT.

Diwan Bahadur Raja Narendra Nath : Will the Honourable Revenue Member please state—

- (a) whether it is a fact that in the case of retrenched clerks of Irrigation Department when re-appointed the question of minimum age is considered afresh without reference to their previous service ;
- (b) if the answer to (a) is in the affirmative, the reasons why the period of actual service already put by them is not deducted while calculating their age ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No.

(b) Does not arise.

TRANSFER OF EMPLOYEES IN THE SUTLEJ VALLEY PROJECT.

Diwan Bahadur Raja Narendra Nath : Will the Honourable Revenue Member kindly state—

- (a) whether the maximum time of stay for employees in the Sutlej Valley Project is five years ;
- (b) whether it is a fact that there are some employees who have been working in their places for more than five years but are not being transferred in spite of their requests, whilst others are transferred before the lapse of 5 years ;
- (c) the action the Honourable Revenue Member proposes to take in the matter ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No.

(b) The requests of permanent employees for transfers from the Sutlej Valley Canals are carefully considered, and given effect to when possible with due regard to the public interest. The great majority of the requests for transfers have already been met.

(c) No further action is considered to be necessary.

UNSTARRED QUESTIONS AND ANSWERS.

QUININE.

1001. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state :—

- (a) whether it is a fact that quinine under the name of Ethylchin and Aspirin are being manufactured in the Punjab, if so, by whom and where ;
- (b) whether these articles have been placed on the market for sale ;
- (c) whether Government expert has examined these articles ; if so, what is his opinion regarding them ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes, by Indian Chemical Manufacturers Limited (outside Sheranwala Gate, Lahore).

(b) Yes.

(c) The drugs have been analysed by the Chemical Examiner to Government, Punjab, and his opinion is as follows :—

'Ethylchin'.—These tablets contain five grains Quinine Ethylcarbonate (Euquinine). They are very hard, and absorption will be in consequence diminished. The manufacturers have not used the correct excipient. It is possible for these tablets to pass through the whole alimentary tract without breaking up.

'Aspirin'.—Acid Acetyl-Salicylic (Aspirin) conforms with the British Pharmacopoeia tests.

MOSQUITOES IN LAHORE.

1002. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state :—

- (a) what portions of the Lahore municipal area, and during what season, can be said to be free from mosquitoes ;
- (b) what portions of this area, during what season, can be said to be heavily invaded by mosquitoes ?

The Honourable Malik Sir Firoz Khan Noon : (a) The city proper is practically free from mosquitoes during the winter and during the months of extreme dry heat.

(b) The outskirts of Lahore, including the civil station and the "new abadis", are infested with mosquitoes during the spring and monsoon seasons.

LOW PLACES IN LAHORE.

1003. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state :—

- (a) whether there are any low places within municipal area of Lahore where rain water collects and stagnates for many days ; if so, what is their number and what is their locality ;

[Mr. E. Mayadas]

- (b) whether there are some low places in Lahore municipal area and if rain water did collect therein during 1933 from how many of them it was pumped out in order to dry the place and prevent mosquitoes from breeding ; if not, why not ?

The Honourable Dr. Gokul Chand Narang : (a) A list of such depressions is attached. The honourable member will doubtless realise that the enumerating of depressions over an area of the extent of the Lahore municipality must be a somewhat arbitrary proceeding.

(b) Government understand that during the monsoon of 1933 the Lahore Municipal Committee made arrangements to drain 80 depressions in which water was stagnating.

List of depressions within the Lahore municipal area where rain water collects and stagnates.

<i>Name of place.</i>	<i>Number of depressions.</i>	<i>Name of place.</i>	<i>Number of depressions.</i>
1. Fateh Sher Road off Bahawalpur Road.	1	16. Ravi Road (New Abadi Qilla Lachman Singh).	3
2. Bahawalpur Road opposite No. 11.	1	17. Ravi Road opposite Ganshala	1
3. At the junction of Bahawalpur and Multan Roads.	1	18. Opposite Lady Willingdon Hospital.	1
4. Dr. Bharucha's place, Lytton Road.	1	19. Near Water Works Pumping Station, Badami Bagh.	1
5. Bhundpura at the junction of Ferozepore and Temple Roads.	1	20. Haji Rahim Road Misri Shah	3
6. Warris Road (Singh Sabha's land).	1	21. Aziz Road, Misri Shah	1
7. Sukka Talab, Ferozepore Road	1	22. Sultanpura	1
8. Lake Road alongside Kinnaid College.	1	23. Tannery Road	1
9. Ram Nagar New Abadi	4	24. Near Mughalpura Railway Station.	2
10. Krihan Nagar New Abadi	5	25. Mianmir village	1
11. Sant Nagar New Abadi	3	26. Dharampura near Railway line	1
12. Shish Mahal area behind Data Ganj Bux.	2	27. Mayo Road	3
13. Near Mutton Slaughter House	3	28. Garhi Shahoo	3
14. Shish Mahal Road near Mohalla Mohyellan.	1	29. Bibi Pakdaman Road	1
15. Chota Ravi	1	30. Egerton Road	1
		31. Beadon Road	1
		32. Qilla Gujjar Singh	4
		33. Mall Road Extension	3
		34. Jail Road	1
		Total	60

MOSQUITOES IN LAHORE.

1004. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state :—

- (a) whether it is a fact that near the junction of Temple Road and Ferozepore Road, about March 1934, there was a large sheet of water ;
- (b) whether it is a fact that the water was there for a long time , if so, for how long ;
- (c) whether it is a fact that during March 1934, in the neighbourhood of this area the mosquitoes were going about in swarms ;
- (d) what action the Lahore Municipality took to prevent mosquitoes . from breeding in the sheet of water referred to above ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Government have no precise information as to dates but it is a fact that till recently the area in question was frequently flooded for extended periods.

(c) Yes.

(d) It is understood that the Lahore Municipal Committee has now made arrangements to pump this area dry and prevent the collection of water there in future.

LAY-OUT PLANS IN LAHORE.

1005. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state :—

(a) whether there are certain portions in the Lahore municipal area known as Saadi Park, Sant Nagar and Krishan Nagar ;

(b) if so, whether there are any other similar areas ; if so, what are their names ;

(c) when the lay-out plans of these areas were sanctioned ;

(d) what action the municipality took before sanctioning the lay-out plans that suitable roads and drainage would be provided ;

(e) whether it is a fact that in many of the localities referred to above suitable roads and drainage does not exist ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) This part of the question is not quite clear but there may be other new abadies.

(c) Building schemes for the three areas named were sanctioned by the Commissioner under item (ii) in the explanation to section 193 of the Punjab Municipal Act, 1911 (as it then stood), on dates as follows :—

Saadi Park	..	..	..	25th February 1930.
Sant Nagar	..	..	..	26th November 1930.
Krishan Nagar	..	..	..	26th November 1930.

(d) So far as the information at present available to Government shows, no action had been taken by the municipal committee to provide roads and drains in these areas prior to the sanction by the Commissioner of the building schemes.

(e) The Lahore Committee is gradually improving the roads and the drainage systems in the three areas. It cannot, however, be maintained that the position in this respect is as yet satisfactory.

TAX ON TOBACCO.

1006. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government please state whether there is any municipality, notified area or small town committee, that does not levy some sort of tax on tobacco or articles prepared from tobacco ; if so, what are their names ?

The Honourable Dr. Gokul Chand Narang : Tobacco in its various forms is generally included in the octroi or terminal tax schedules of those local bodies which levy taxes of this kind. It is not otherwise taxed by urban local bodies. Most of the municipal committees and notified area committees in the province levy either octroi or terminal tax, but only 15 out of the 109 town committees in the Punjab have taxes of this description.

TAX ON TOBACCO.

1007. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state the total amount of revenue raised by municipalities, notified area committees and small town committees by taxation of tobacco, or its preparation, during the last financial year?

The Honourable Dr. Gokul Chand Narang : The net income derived by municipal committees from the taxation of tobacco in 1932-33 (octroi or terminal tax) was Rs. 59,186. The returns for 1933-34 have not yet been received by Government. No statistics are available in respect of notified area committees and town committees.

PERSONS SELLING TOBACCO IN LAHORE.

1008. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state whether any list has been prepared of persons selling tobacco or its preparations in the limits of Lahore Municipal Committee; if so, what is their number?

The Honourable Dr. Gokul Chand Narang : No such list has been prepared.

AMBULANCE CART.

1009. Mr. E. Mayadas : Will the Honourable Minister for Agriculture be pleased to state :—

- (a) whether there is any Veterinary Hospital in the Punjab, that has got an ambulance cart;
- (b) if so, what is its name;
- (c) where it was built, and at what cost it was obtained;
- (d) whether this cart is suitable for village roads; if not, what steps Government has taken to design and build a suitable ambulance cart for village roads?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) The provincial hospital attached to the Punjab Veterinary College, Lahore.

(c) At the North-Western Railway Workshop at a cost of Rs. 800.

(d) No. A new motor ambulance will shortly replace the ambulance cart.

ALIENATION OF AGRICULTURAL LAND.

1010. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state what area of land passed out of the hands of agriculturists and went to non-agriculturists during the last financial year?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Members of statutory agricultural tribes gained 3,238 acres in sales and lost 110,852 acres in mortgages and redemptions. These figures are for the year ending 15th June 1933. The figures for the financial years are not available.

LAND PLANS.

1011. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state :—

- (a) whether there is any local body in the province which possesses accurate land plans of the lands in their charge ;
- (b) whether it is a fact that on account of the absence of land plans in many cases municipal lands as well as lands in charge of municipalities and other local bodies have been encroached upon ;
- (c) whether there is any prospect of local bodies getting accurate land plans prepared in the near future, say within two years' time ;
- (d) if it is unlikely that local bodies will seriously interest themselves in getting proper and accurate land plans, whether Government is thinking of moving in the matter, and getting such plans prepared for the local bodies and recover the cost of preparation from them ?

The Honourable Dr. Gokul Chand Narang : The information is being collected and will be supplied to the honourable member as soon as it is ready.

MOTOR VEHICLE STAND, KALKA.

1012. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state :—

- (a) whether it is a fact that there is a motor vehicle stand near Railway Station, Kalka ;
- (b) if so, in whose control it is ;
- (c) whether the authority which controls this stand levies any sort of tax for allowing the vehicles to stand there ;
- (d) if so, the revenue realized during the last financial year ;
- (e) whether it is a fact that there is no shed provided near this stand for protection against wet weather ;
- (f) whether it is a fact that during wet weather the passengers are put to much inconvenience for want of a shed ; if so, what action Government is prepared to take in the matter ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Under the control of the Kalka Municipal Committee.

(c) and (d) No fees or rents are charged for the use of the stand. Fees are, however, levied by the committee on all vehicles, including motor vehicles, plying for hire in the municipal area. The committee's income from this source in the year 1933-34 was Rs. 1,926.

[Hon. Dr. Gokul Chand Narang.]

(e) Yes.

(f) Government have not received any complaints on this score. The suggestion underlying the honourable member's question may be brought to the notice of the Commissioner of the division and the municipal committee concerned. The honourable member will, however, doubtless appreciate the point that the municipal committee's finances do not permit it at the present time to undertake any scheme involving large capital expenditure.

WOMEN CHRISTIAN TEMPERANCE UNION, DELHI.

1013. Mr. E. Mayadas : Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether Government is aware of a body known as the Women Christian Temperance Union, whose headquarters are at 24, Rajpur Road, Delhi ;
- (b) whether it is a fact that this body is carrying on propaganda against alcohol and other harmful intoxicants in the Punjab ;
- (c) whether Government is aware that this body has prepared literature and charts about the evil effects on the human body by the use of alcohol and other harmful intoxicants ;
- (d) whether this body has ever approached the Government for a grant ; if not, whether Government is prepared to assist this body with a grant ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) Yes.

(c) Government have no information.

(d) Yes ; and a non-recurring donation of Rs. 500 has been granted to it this year.

BOARDING HOUSES IN SCHOOLS AND COLLEGES.

1014. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) the number of boarding houses attached to recognised schools and colleges at Lahore ;
- (b) the number of boarders living in these boarding houses ?

The Honourable Malik Sir Firoz Khan Noon :

(a) Schools	..	..	..	13
Arts Colleges and the Central Training College	..	..	..	18
(b) Schools	..	..	..	663
Arts Colleges and the Central Training College	..	..	..	2,244

STUDENTS VISITING CINEMAS.

1015. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that a great many students, particularly residents of boarding houses in Lahore visit cinemas ;
- (b) whether Government proposes to place restrictions in the way of students visiting cinemas ; if not, why not ?

The Honourable Malik Sir Firoz Khan Noon : (a) A large number of students visit cinemas.

(b) In the absence of distinctive uniforms such as are worn by students at Oxford and Cambridge it is almost impossible to control these visits. At the Government College, Lahore, students are allowed to attend the first show of a cinema which is comparatively early in the evening. For the second shows permission must be obtained on personal application to the superintendent of the hostel in which the boy resides. Students of the Intermediate classes are allowed to go to the cinema once a term, III and IV Year students are allowed to go twice a term, and post-graduate students thrice a term. At the Central Training College permission is restricted to the first show and on Saturdays only. The University has under consideration the institution of a proctorial system.

MOLASSES ON ROADS.

1016. Mr. E. Mayadas : Will the Honourable Minister for Agriculture kindly state whether any experiments have been tried in the province of spreading molasses on roads instead of tar ; if so, with what results ?

The Honourable Sardar Sir Jogendra Singh : Yes.

The results were unsatisfactory as molasses do not withstand the action of rain.

DEATHS FROM SNAKE BITE.

1017. Mr. E. Mayadas : Will the Honourable Minister for Education kindly state—

- (a) the number of persons that died of snake bite in the Punjab during 1933 ;
- (b) whether it is a fact that there is a common belief that snake charmers are possessed of a root which can cure snake bite ;
- (c) whether hitherto Government has made any enquiries to ascertain the truth of this matter ; if not, whether Government is prepared to do so now ?

The Honourable Malik Sir Firoz Khan Noon : (a) 585 deaths from snake bite were recorded by the Public Health Department during 1933.

- (b) Government have no information on the subject.
- (c) Does not arise.

COUNTERFEIT COINS.

1018. Mr. E. Mayadas : Will the Honourable Member for Finance kindly state—

- (a) whether it is a fact that a large number of counterfeit coins is in circulation ;
- (b) during 1933 how many counterfeit coin makers were arrested and in what districts ;
- (c) if there is reason to believe that there are many more men yet undiscovered engaged in this kind of work, whether Government is considering the question of making a special effort for finding them out ; if so, what is the nature of this effort ?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) Particulars are given in the attached statement.

(c) The whole subject is under investigation by a special police staff recently appointed by Government.

Statement showing number of persons arrested in coin counterfeiting cases during the year 1933.

<i>District.</i>	<i>Number of persons arrested.</i>	<i>District.</i>	<i>Number of persons arrested.</i>
1. Ambala ..	4	16. Kangra ..	Nil.
2. Amritsar ..	5	17. Lahore ..	15
3. Attock ..	3	18. Ludhiana ..	3
4. Dera Ghazi Khan ..	6	19. Lyailpur ..	2
5. Ferozepore ..	10	20. Montgomery ..	25
6. Gurgaon ..	2	21. Muzaffargarh ..	7
7. Gurdaspur ..	2	22. Multan ..	6
8. Gujranwala ..	16	23. Mianwali ..	10
9. Gujrat ..	2	24. Rawalpindi ..	6
10. Hissar ..	6	25. Rohtak ..	4
11. Hoshiarpur ..	2	26. Sialkot ..	4
12. Jullundur ..	7	27. Simla ..	Nil.
13. Jhang ..	6	28. Shahpur ..	2
14. Jhelum ..	2	29. Sheikhupura ..	5
15. Karnal ..	3	30. Railway ..	6

MEDALS TO POLICE OFFICERS.

1019. Mr. E. Mayadas : Will the Honourable Member for Finance kindly state—

- (a) the names of the police officers or constables who were awarded medals or other recognition for gallantry in 1933 ;
- (b) the nature of the gallantry shown ?

The Honourable Mr. D. J. Boyd : The required information is given in paragraph 86 of the Report on the Police Administration in the Punjab for 1933 and on pages 64—69, 635, 639-640 of the *Punjab Gazette* for 1933.

DEATH OF POLICE OFFICERS WHILE DISCHARGING DUTY.

1020. Mr. E. Mayadas : Will the Honourable Member for Finance kindly state—

(a) the names of police officers or constables who lost their lives or were disabled discharging duty in encounters with dacoits or other dangerous criminals in 1933 ;

(b) what provision has been made for their families or dependents ?

The Honourable Mr. D. J. Boyd :

Serial No.	Name and rank of the Police Officer.	Details of the provision made by Government for the family of the Police officer.
1	Mahbub Khan, Foot Constable	Cash payment of Rs. 500 and an extraordinary pension of Rs. 7-8-0 per mensem to the widow of the constable tenable for life or until remarriage.
2	Ata Mohammad, Mounted Constable.	Cash payment of Rs. 500 to the widow of the constable and an extraordinary pension of Rs. 15 per mensem to his eldest son for the support of the family until he attains the age of 18 years.
3	Ghazanfar Ali, Foot Constable	Cash payment of Rs. 500 to the widow of the constable, an extraordinary pension of Rs. 10 per mensem for her life or until remarriage and a gratuity of Rs. 300 each to the two daughters of the constable payable on their marriage.

LEGISLATIVE COUNCIL ELECTION.

1021. Mr. E. Mayadas : Will the Honourable Member for Revenue kindly state when the next Legislative Council election is likely to take place ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : No decision has been reached regarding the next general elections for the provincial legislature. It would be premature to do so.

REALISATION OF DUES BY LOCAL BODIES.

1022. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government kindly state—

- whether it is a fact that many local bodies have not been prompt in realising dues and have allowed them to run into arrears ;
- whether it is a fact that in many cases sums of money are due from the present and past members of the local bodies concerned ;
- if answer to (b) be in the affirmative, whether Government will be pleased to lay a statement on the table showing the names of such local bodies ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Yes.

(c) The honourable member will appreciate the point that even where members pay their taxes, etc., with reasonable promptitude there must at certain times be demands outstanding against them. For this reason it would not be very profitable to prepare such a statement as the question requires. The honourable member will, however, find references to a number of bad cases of the kind in question in the local Government's annual reports on the municipalities and small towns of the province.

AGRICULTURISTS ADJUDGED INSOLVENT.

1023. Mr. E. Mayadas : Will the Honourable Member for Finance kindly state the number of agriculturists that were adjudged insolvent during the last financial year ?

The Honourable Mr. D. J. Boyd : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

CO-OPERATIVE LOANS TO AGRICULTURISTS.

1024. Mr. E. Mayadas : Will the Honourable Minister for Agriculture kindly state—

(a) whether it is a fact that co-operative banks advance loans to agriculturists to enable them to pay land revenue and water rates ;

(b) if so, what amount was so loaned out during 1933 ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) It is not possible to give the information without a very elaborate investigation, which I am sure the honourable member himself would not desire.

PATHAN MONEY-LENDERS.

1025. Mr. E. Mayadas : Will the Honourable Member for Finance kindly state—

(a) whether it is a fact that many trans-Frontier men generally known as Pathans, are carrying on the business of money-lending in the province ;

(b) whether any steps have been taken to ascertain their number ; if so, approximately what is their number ;

(c) whether these Pathans are made to keep their accounts in the same form as other money-lenders ?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) No.

(c) They are not excluded from the provisions of the Punjab Regulations of Accounts Act.

LORRIES FOR HIRE.

1026. Mr. E. Mayadas : Will the Honourable Member for Revenue kindly state at what interval lorries that ply for hire are examined to see that they are in good working order ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Once every quarter. The District Magistrate is, however, authorised to exempt any lorry from quarterly inspections and require it to be inspected only once every six months if he is satisfied that the owner has an efficient organisation for maintaining it in sound running condition.

TAT.

1027. Mr. E. Mayadas : Will the Honourable Member for Finance kindly state—

- (a) whether *tat* is manufactured in jails ;
- (b) whether it is a fact that many local bodies purchase *tat* for seating school children ;
- (c) whether it is a fact that many local bodies purchase *tat* from outside the province ;
- (d) whether Government is prepared to advise local bodies to place their orders for *tat* with the Jail Department in preference to purchasing it from elsewhere ?

The Honourable Mr. D. J. Boyd : (a) No, but the possibility of doing so is under investigation.

(b) Yes.

(c) Government have no reason to think that local bodies generally go outside the province in their purchases of *tat*. If the honourable member is in possession of special information in this connection, Government would be most happy to receive it.

(d) If the experiments which are now being conducted in the jails prove successful, Government will consider what measures can appropriately be taken to introduce the jail product into the schools of the province, including those maintained by local bodies.

ARTICLES MANUFACTURED IN CRIMINAL TRIBES SETTLEMENTS.

1028. Mr. E. Mayadas : Will the Honourable Member for Finance kindly state—

- (a) the kinds of articles manufactured in settlements for reclamation of criminals or in schools for children of criminal tribes ;
- (b) whether any of these articles are of such a nature as are commonly required by local bodies ;
- (c) whether local bodies in the neighbourhood of the place of such manufacture generally purchase these articles from there ; if not, why not ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) A list of the articles is laid on the table.

[Hon. Sir Sikander Hyat Khan.]

(b) Yes.

(c) A few local bodies have been buying some articles but not local bodies generally probably because their attention has not been particularly drawn to the matter and also because they probably prefer to supply their requirements locally.

List of articles manufactured in the Reformatory Settlement Factory, Amritsar.

1. Black-boards, school benches and wooden furniture of all description.
2. Khaddar, towels, dusters, shirting and suiting cloth (both cotton and silk), niwar, tape and nathi thread.
3. Bamboo and sarkanda chinks—both coarse and fine.
4. Panja durries and bed durries.
5. Munj ban, both coarse and fine, and munj-mats both flowered and plain.
6. Desi shoes.
7. Scout and other uniforms, made to order.

List of articles manufactured in Moghalpura Reformatory School.

1. School benches, black-boards and wooden furniture of all descriptions.
2. Scout and other uniforms made to order.
3. Khaddar, towels, dusters, shirting and suiting cloth (both cotton and silk) and niwar.
4. Bed durries.

List of articles manufactured in Palampur Reformatory School.

1. Wooden furniture and school benches.
2. Boots, shoes and leather purses.

List of articles manufactured in Ambala Colonies.

1. Tanned leather and suit cases.

List of articles manufactured in Delhi Reformatory School.

1. Shoes of police pattern, boots, suit-cases and leather purses.
2. Cane work of all description.
3. Scout and other uniforms, made to order.
4. Dust-bins and buckets.
5. School benches and tables.

TOY-MAKING IN GOVERNMENT TECHNICAL SCHOOL, LAHORE.

1029. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government kindly state whether it is proposed to introduce toy-making in the Government Technical School at Lahore; if so, what kind of toys and by when may they be expected to be placed in the market?

The Honourable Dr. Gokul Chand Narang : It is proposed to teach 'Die press sheet metal working' at the Government Technical School, Lahore. The training provided in this department will include the manufacture of toys.

All kinds of tin toys will be made such as moveable figures, engines, trucks, motor cars, etc., much on the lines of tin toys, at present imported

in considerable quantities from Japan and Germany. It is anticipated that toys will be available for sale in small quantities towards the end of the financial year 1935-36 or the beginning of 1936-37, and in considerable quantities a year or 18 months later.

RECRUITMENT OF CIVIL ASSISTANT SURGEONS.

1030. Mr. E. Mayadas : Will the Honourable Minister for Education kindly state when the recruitment of civil assistant surgeons (men) is next likely to take place ?

The Honourable Malik Sir Firoz Khan Noon : Probably in 1936.

RECRUITMENT IN POLICE DEPARTMENT.

1031. Mr. E. Mayadas : Will the Honourable Member for Finance kindly state whether there is going to be any direct recruitment of (i) inspectors of police, (ii) sub-inspectors of police, (iii) assistant sub-inspectors of police and (iv) head constables of police in the province ; if so, when ?

The Honourable Mr. D. J. Boyd : (i) One inspector may possibly be recruited in 1935.

(ii) Direct recruitment to the rank of sub-inspector is not now ordinarily made.

(iii) Assistant sub-inspectors are directly recruited every year, and the final selection is made in March.

(iv) Head constables are no longer directly recruited.

RECRUITMENT TO IRRIGATION DEPARTMENT.

1032. Mr. E. Mayadas : Will the Honourable Member for Revenue kindly state whether there is likely to be any direct recruitment for Punjab Engineering Service, Public Works Department, Irrigation Branch, in the province ; if so, when ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It is unlikely that there will be any recruitment to the Punjab Service of Engineers in the Irrigation Branch for some time and it is not possible to give a definite date for fresh recruitment at present.

RECRUITMENT TO IRRIGATION BRANCH.

1033. Mr. E. Mayadas : Will the Honourable Member for Revenue kindly state whether there is likely to be any direct recruitment for Subordinate Engineering Service, Public Works Department, Irrigation Branch, in the province ; if so, when ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Direct recruitment to the Subordinate Engineering Service is made every year in March or April from amongst those students who have qualified at the Government Engineering School, Rasul. Appointments will be made next year as usual.

RECRUITMENT IN THE IRRIGATION DEPARTMENT.

1034. Mr. E. Mayadas : Will the Honourable Member for Revenue kindly state whether there is likely to be any direct recruitment for candidate zilladars, Public Works Department, Irrigation Branch, in the province ; if so, when ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Outsider candidate zilladars are recruited annually in March and April, when there are vacancies. It is expected that there will be the usual recruitment next year.

QUALIFICATION FOR ZILLADAR.

1035. Mr. E. Mayadas : Will the Honourable Member for Revenue kindly state the minimum qualification required for direct entry as candidate zilladar ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The minimum educational qualifications for outsider candidates are as follows :—

F.A., F.Sc., High School Examination of European Schools, or the Cambridge Senior Local Examination, or the Senior Commercial Examination of the London Chamber of Commerce ; except in the cases of students of the Agricultural College, Lyallpur, who are recommended by the Principal. These candidates must possess at least the Leaving Certificate of the College.

Candidates specially recommended by the Principal of the Government School of Engineering, Rasul, must possess the Overseers Certificate with credit.

RECRUITMENT OF TAHSILDARS.

1036. Mr. E. Mayadas : Will the Honourable Member for Revenue kindly state whether there is likely to be any direct recruitment of tahsildars in the province ; if so, when ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Yes, in February 1935.

QUALIFICATIONS FOR TAHSILDAR.

1037. Mr. E. Mayadas : Will the Honourable Member for Revenue kindly state the minimum qualifications required for direct entry as tahsildar ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The attention of the honourable member is invited to paragraph 1 of the Financial Commissioners' Standing Order No. 12.

RECRUITMENT OF NAIB-TAHSILDARS.

1038. Mr. E. Mayadas : Will the Honourable Member for Revenue kindly state whether there is likely to be any direct recruitment of naib-tahsildars in the province ; if so, when ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It is difficult to forecast, but very likely not before 1936.

QUALIFICATIONS FOR NAIB-TAHSILDARS.

1039. Mr. E. Mayadas : Will the Honourable Member for Revenue kindly state the minimum qualification required for direct entry as naib-tahsildar ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The attention of the honourable member is invited to paragraph 22 of the Financial Commissioners' Standing Order No. 12.

RECRUITMENT OF KANUNGOS.

1040. Mr. E. Mayadas : Will the Honourable Member for Revenue kindly state whether there is likely to be any direct recruitment of kanungos in the province ; if so, when ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Direct recruitment of kanungos is not permissible. Their recruitment is made from among the candidates accepted under paragraph 2 of Standing Order No. 19. Vacancies among these candidates are filled by the collector in accordance with the instructions contained in paragraphs 1—8 of Standing Order No. 19.

WITHDRAWALS FROM THE CENTRAL CO-OPERATIVE BANK, FEROZEPORE.

1041. Mr. E. Mayadas : Will the Honourable Minister for Agriculture kindly state—

(a) whether it is a fact that the Ferozepore Central Co-operative Bank insists that all withdrawals whether from current account or savings bank account should be by cheque ;

(b) whether the Government is aware that even the Imperial Bank of India is not so strict in this respect ?

The Honourable Sardar Sir Jogendra Singh : The rules of business of co-operative central banks in dealing with private accounts are a matter for decision by the directorates of the Banks themselves, and Government has no information on the matter.

OVERDRAFT FROM THE CENTRAL CO-OPERATIVE BANK, FEROZEPORE.

1042. Mr. E. Mayadas : Will the Honourable Minister for Agriculture kindly state—

(a) whether it is a fact that the Ferozepore Central Co-operative Bank refuses an overdraft of ten rupees on current account, even in cases where the drawer has a fixed deposit of one thousand rupees with the bank ;

(b) whether the Government is aware that even the Imperial Bank of India is not so strict in this respect ?

The Honourable Sardar Sir Jogendra Singh : The rules of business of Co-operative Central Banks in dealing with private accounts are a matter for decision by the directorates of the Banks themselves, and Government has no information on the matter.

PAPERS LAID ON THE TABLE.

STATEMENT SHOWING ACTION TAKEN BY GOVERNMENT ON RESOLUTIONS
OF THE COUNCIL.

The Secretary : A statement showing the action taken by Government on resolutions passed by the Punjab Legislative Council since November 1933 is laid on the table¹.

STATEMENT SHOWING ACTION TAKEN BY GOVERNMENT ON CUTS MADE
BY THE COUNCIL IN ORIGINAL AND SUPPLEMENTARY
DEMANDS.

The Secretary : A statement showing the action taken by Government on cuts made by the Punjab Legislative Council in original and supplementary demands presented to the Council since November 1933, is laid on the table¹.

THE PUNJAB MUNICIPAL EXECUTIVE OFFICER (AMENDMENT)
BILL.

The Secretary : On the last day allotted for non-official Bills when the motion of Mr. M. D. Malak with respect to his Bill, the Punjab Municipal Executive Officer (Amendment) Bill, was being discussed, closure was moved by Mr. Puri and after the Honourable President had expressed his opinion as to the Council's decision by voices a division was demanded, but owing to the breakdown of the electric bells the division could not be taken and the Council was then adjourned.

Mr. President : The question is—

That the question be now put.

The motion was carried.

Mr. President : The question is—

That the Punjab Municipal Executive Officer (Amendment) Bill be referred to a select committee consisting of—

Maulvi Mazhar Ali Azhar,

Sardar Sahib Sardar Ujjal Singh,

Thakur Pancham Chand,

Mr. M. A. Ghani,

Kanwar Mamraj Singh Chohan,

Chaudhri Allah Dad Khan,

Chaudhri Afzal Haq,

A nominee of the Honourable President, and

The mover.

The motion was lost.

THE PUNJAB ANTI-BEGGARY BILL.

Shrimati Lekhwati Jain (North-East Towns, Non-Muhammadan, Urban): Sir, I beg to move—

That leave be granted to introduce the Punjab Anti-Beggary Bill.

¹See Appendix A.

Mr. President : The motion is—

That leave be granted to introduce the Punjab Anti-Beggary Bill.

Has any honourable member any objection to the leave being granted ?

No objection being raised the motion was carried.

Shrimati Lekhwati Jain : Sir, I introduce the Punjab Anti-Beggary Bill.

THE PUNJAB ALIENATION OF LAND (AMENDMENT) BILL.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural) : Sir, I beg to move—

That leave be granted to introduce the Punjab Alienation of Land (Amendment) Bill.

Mr. President : The motion is—

That leave be granted to introduce the Punjab Alienation of Land (Amendment) Bill.

Is there any objection to the leave being granted ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan (Revenue Member) : Yes, Sir.

Chaudhri Allah Dad Khan : In asking for leave to introduce the Bill I want to make one or two very brief observations in support of it. The reckless manner in which permission has been given throughout the Punjab for alienating the land of the agriculturists to non-agriculturists is appalling. In the district of Gujrat alone from 1930 to 1934, 125 permissions were given alienating an area of land about 450 kanals of the value of some 4 lakhs of rupees. When these are the figures for one place known as Pindi Baha-ud-Din, the matter becomes still more serious. There is another village named Kandawala in the same tahsil in which 107 kanals were allowed to be alienated in this manner by means of 97 sanctions. There is one case in these figures which is more serious. There is the case of a man who wanted to sell his land to one Bishan Singh, a non-agriculturist. He put down his debt at many times more than the original one in order that sanction may be practicable and that sanction may be given as a matter of course. This debt was ten times of the original one and on the strength of the debt being so exorbitant the man was confident that he would get the sanction, but the deputy commissioner refused it. The result was that the man who had offered to purchase the land brought a suit for the recovery of Rs. 12,000 from the same man whereas the real debt was about one-tenth of this sum.

3 P. M.

A suit was brought for the recovery of Rs. 12,000 and the attention of the deputy commissioner was drawn to the fact that this poor man would be ruined miserably and that something ought to be done to save him. So the deputy commissioner had at last to give sanction for the sale of this land. These are the ways in which things are done to defeat the provisions of the Land Alienation Act. Rao Bahadur Chaudhri Chhotu Ram when he made his speech in March last on this subject said that in the Hissar district permission to alienate 400 bighas of land was given. In the Mianwali district permission to alienate as much as 6,000 kanals of land to a non-agriculturist was given by the deputy commissioner. With all due respect to the officials of Government I must submit that they have not opened their eyes to these transactions. The worst offenders in this respect have been Gujrat, Jhang and Mianwali districts. It is really

[Ch. Allah Dad Khan].

surprising that such a flagrant abuse of the law is allowed and no action is being taken against the officials concerned. Only to-day there was a question put by my honourable friend the member from Jullundur to which the Honourable Revenue Member replied that one Muhammad Din of Khandhanwala was permitted to sell 250 kanals of land to a non-agriculturist. Look at the reason given by the vendor for the sale of the land to a non-agriculturist. He said that he must have a right to sell his land to whomsoever he pleased and at whatever price he liked. It is high time, therefore, that Government should take early steps to rectify the wrong that is being done almost daily. I, therefore, have brought in this Bill to put a check on the arbitrary power given to the deputy commissioner by the Land Alienation Act. I may assure the House that the Bill does in no way put any obstacle in the way of the smooth working of the Act.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Sir, I was given to understand that the honourable member would not move for leave for the introduction of this Bill as he was now satisfied that the action which Government has already taken is adequate to avoid evasion of the rules and the provisions of the Act. I may perhaps state for the information of the Council what the Government has done in this matter. The attention of all deputy commissioners has been drawn to paragraph 97 of the Land Administration Manual, and there will be no further cases of complaint of the sort mentioned by the honourable member. The deputy commissioners have also been told that they must use their powers under section 3 (2) of the Punjab Land Alienation Act very sparingly. Again orders have issued—

Chaudhri Allah Dad Khan : In view of the steps taken by Government to check the practices at present prevailing in the matter of alienations of land, I do not want to press my motion. I accordingly beg leave to withdraw the motion.

The motion was by leave withdrawn.

THE PUNJAB SMALL TOWNS (AMENDMENT) BILL.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural) : Sir, I move—

That leave be granted to introduce the Punjab Small Towns (Amendment) Bill.

Mr. President : The question is—

That leave be granted to introduce the Punjab Small Towns (Amendment) Bill.

Is there any objection to the leave being granted ?

No member objecting the motion was carried.

Sardar Arjan Singh : I introduce the Punjab Small Towns (Amendment) Bill.

THE PUNJAB VILLAGE PANCHAYAT (AMENDMENT) BILL.

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muhamadan, Rural) : Sir, I move—

That leave be granted to introduce the Punjab Village Panchayat (Amendment) Bill.

Mr. President : The question is—

That leave be granted to introduce the Punjab Village Panchayat (Amendment) Bill.

Is there any objection to the leave being granted ?

No objection being raised the motion was carried.

Kanwar Mamraj Singh Chohan : I introduce the Punjab Village Panchayat (Amendment) Bill.

THE PUNJAB SUPPRESSION OF IMMORAL TRAFFIC BILL.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadian, Rural) : Sir, in view of the fact that the Bill of which I have given notice has already been published in the Gazette under Rule 18 of the Punjab Legislative Council Rules, I do not propose to move for leave to introduce the Bill. I accordingly introduce the Bill directly.

THE PUNJAB ANTI-BEGGARY BILL.

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadian, Urban) (*Urdu*) : Sir, I would not like to make a lengthy speech in support of the Punjab Anti-Beggary Bill but would rather remain content with making a few observations. You are well aware that begging has become a regular nuisance. Both in cities and villages numerous beggars and mendicants haunt public places and consequently the public is put to much trouble. Besides, beggary encourages laziness. If this Bill is passed into law beggars and mendicants who number about nine lakhs at present, would necessarily take to some work and become useful members of society. The Bill may be objected to on the ground that before passing it into law poor-houses should be constructed for these people. But that is not necessary, because begging in public places is proposed to be penalised for the present. This Bill is not the first of its kind so far introduced in any provincial legislature in India. I understand that a similar Bill was introduced in the Assam Council some time back. I am really very sorry to remark that many people have come to adopt begging as an easy profession in these hard days. There must be some check on their activities. If you want to raise India in general and the Punjab in particular to the level of civilised countries of the world, you should see that this curse of begging is altogether removed. If only these beggars and mendicants begin to work, the labour will probably become as cheap as that in Japan. It is, therefore, in the fitness of things to pass this Bill into law. But at this stage I would move—

That the Punjab Anti-Beggary Bill be circulated for the purpose of eliciting public opinion thereon.

Mr. President : The question is—

That the Punjab Anti-Beggary Bill be circulated for the purpose of eliciting public opinion thereon.

The motion was carried.

THE PUNJAB SUPPRESSION OF IMMORAL TRAFFIC BILL.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) :
I move—

That the Punjab Suppression of Immoral Traffic Bill be referred to a select committee consisting of—

Dr. (Mrs.) M. C. Shave,
Rao Bahadur Chaudhri Chhotu Ram,
Khan Bahadur Sardar Habib Ullah,
Mr. Muhammad Din Malik,
The Honourable Malik Sir Firoz Khan Noon.
Mr. Manohar Lal,
Lala Jyoti Prasad,
Sardar Sampuran Singh,
Sardar Sahib Sardar Ujjal Singh,
Sardar Sahib Sardar Gurbachan Singh,
A nominee of the Honourable the President.
The Honourable Mr. D. J. Boyd,
Mr. J. D. Anderson, and
The mover

The Bill has been before the public for a very long time and those honourable members who have been studying the papers would have found that a large number of associations all over the province have welcomed the bringing of this Bill before the Punjab Legislative Council. Before I actually go into the details of this Bill and enunciate the principles on which it is based, I should like to pay a tribute of thanks to Miss Miliscent Shepherd who has been going from place to place and educating public opinion on this very important measure. The Bill, as you will find, is a part of the international efforts made in various countries for the suppression of immoral traffic. Those who have read something that is going on under the guidance of the League of Nations for the betterment of the world would have found that efforts are being made in every European country and in several Asiatic countries for the suppression of this most immoral commercialised vice. You know and every honourable member, I believe, knows that in every important town whether in India or outside, immature girls are taken hold of by immoral men and used for their own purposes, that is to say, for putting them in the market and using their body and soul in order to fill their pockets. That is a great shame. These are really the results of the so-called civilisation under which we live. Such things were unknown in times gone by. I find that the more the civilisation advances the more peculiar methods of this vice are found. This sort of vice goes on increasing. Therefore, it is the duty of every civilised government to adopt measures for the suppression of traffic of this kind. We find homes ruined. We find the health of individuals and nations ruined. Therefore, earnest efforts should be made by everybody concerned to see that this kind of immoral traffic is suppressed with a strong hand. The Bill gives in the statement of objects and reasons the various provinces which have accepted legislation of this kind. For example in Bombay, Bengal, Burma, Madras, Ceylon, United Provinces, Pudukottah, Travancore and Cochin Bills of a similar nature have become Acts. Efforts are being made in the Central Provinces. Mysore, North-West Frontier Province, Assam and Delhi to bring

measures of a similar nature. This Bill is the result of very great efforts and very great thought on the part of an association here which has undertaken to advance causes of this nature—the cause of social and moral hygiene. I do not claim that the Bill is perfect. I, therefore, sought the consent of those gentlemen who feel interested in this subject for the benefit of their advice. I would have been glad if the Bill had gone through at this time and the motion for reference to select committee accepted. But the Government feels, I understand, that something more should be done and public opinion should be elicited from all quarters. If the Government so desires, I do not think I should oppose that motion because I wish that light should be thrown from all quarters and as the Government is ultimately responsible for the maintenance of law and order I do not think I should stand in their way.

Mr. President : Motion moved—

That the Punjab Suppression of Immoral Traffic Bill be referred to a select committee consisting of—

Dr. (Mrs.) M. C. Shave,
Rao Bahadur Chaudhri Chhotu Ram,
Khan Bahadur Sardar Habib Ullah,
r. Muhammad Din Malak,
he Honourable Malik Sir Firoz Khan Noon,
r. Manohar Lal,
Lala Jyoti Prasad,
Sardar Sampuran Singh,
Sardar Sahib Sardar Ujjal Singh,
Sardar Sahib Sardar Gurbachan Singh,
A nominee of the Honourable the President,
The Honourable Mr. D. J. Boyd,
Mr. J. D. Anderson, and
The mover.

The Honourable Mr. D. J. Boyd (Finance Member) : Sir, I move—

That the Punjab Suppression of Immoral Traffic Bill be circulated for the purpose of eliciting opinion thereon by the 15th December, 1934.

In doing so, I would like to make it quite clear that my intention is not that of delaying the coming into force of this Bill as a law. My intention simply is this, that the Government consider circulation for opinion necessary because there are many novel provisions in this Bill. For instance, the Bill seeks to shift the responsibility for the control of immoral traffic from local bodies to the district magistrate and the superintendent of police. This is a very big change indeed, a change in principle and a change in detail which may be even more important than the change in principle and we would like to know what exactly the public generally think of this proposed change of policy before we lend the Bill our active support. There is another reason too for insisting on circulation. It is this: The utility of the Bill is doubtful, distinctly doubtful, unless it is supported by public opinion; otherwise I fear it may become a dead-letter. The principle of the Bill is one with which every decent person is bound to sympathise. There can be no doubt of that whatever and I think we may all congratulate the honourable member on his spirit in introducing a measure of this kind. Whether it will be workable or not we are not quite sure yet and we would like to learn by circulating the Bill for opinion. The honourable member has told

[The Hon'ble Mr. D. J. Boyd.]

us that the Bill has already been before the public and is known to people generally and that many associations have expressed their opinion upon the Bill already in the press, and the inference is that circulation is not so necessary. But while the Bill has been commented upon by bodies and associations who are naturally interested in it, it has not been commented upon by the public generally who very often, in fact generally, will not take the trouble to express an opinion upon a matter in which they are not very directly interested. Also it is obvious that we would like to have the opinion of the High Court and the other courts and legal bodies, bar associations, etc., upon a measure of this kind. It is for this reason that I move the amendment.

Mr. President : The question is—

That the Punjab Suppression of Immoral Traffic Bill be circulated for the purpose of eliciting opinion thereon by the 15th December, 1934.

The motion was carried.

THE PUNJAB SMALL TOWNS (AMENDMENT) BILL.

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

That the Punjab Small Towns (Amendment) Bill be circulated for eliciting public opinion thereon.

Sir, at this stage I do not propose to make any lengthy speech. Section 21 of the existing law authorizes the small town committees to impose taxes upon all sorts of people. In the first place they can impose taxes upon all owners and occupiers of houses within their jurisdiction. Another clause authorizes these committees to impose taxes upon all the residents of the small towns according to their income and it is laid down there that that sum shall not exceed Rs. 7-8-0 per mensem in any one small town. It has been noticed that these small towns are more or less populated by both agriculturists and non-agriculturists. In a majority of these towns the proprietary body consists of agriculturists, jats, pathans, rajputs and there are also people who carry on trade and live within the towns. Now under clause 2 the committee is authorized to impose a tax according to the income while what is actually done in practice and has been seen in experience is that when they consider the income of any particular resident of that committee they take into consideration the income which the residents living within the town derive from their lands which are certainly outside the limits of the committee and are within the jurisdiction of the district board areas. This is an anomaly and I have introduced this Bill to remove that anomaly. Because it is found that the land as such is liable to land revenue, also there are local rates and cesses which are paid by the committees to the district boards and those district boards in their turn open primary schools and hospitals which cater to the amenities of life of the people living in the municipal area. Therefore, in a way those people who are carrying on agriculture as their trade or work or profession actually contribute to the finances of those committees. It would be seen that there is another class which perhaps also might have a grievance in this respect and that class consists of some Government servants who are working in some high schools which have been provincialized. These Government high schools are just outside the

limits of the committees and those teachers who are working there have their residences in the areas within the jurisdiction of the committees and, therefore, as such they are under the existing law liable to assessment. Therefore, I have moved this Bill with a view to see whether that anomaly also is removed or not. With this explanatory remark I move that the Bill be circulated for eliciting public opinion thereon.

Mr. President : Motion moved—

That the Punjab Small Towns (Amendment) Bill be circulated for the purpose of eliciting public opinion thereon.

The Honourable Dr. Gokul Chand Narang (Minister for Local Self-Government) : I do not want to oppose the motion but I want to make it clear that in not opposing the motion for circulation the Government does not commit itself either to the principle or the provisions of the Bill. It is only in pursuit of the general convention that the Bills moved by private members should have a fair chance and every private member if he wants to move any Bill should have an opportunity of consulting public opinion that no opposition is being offered to this motion and this would be the attitude of Government with respect to every private Bill on the agenda so far as I am concerned.

Mr. President : Question is—

That the Punjab Small Towns (Amendment) Bill be circulated for the purpose of eliciting public opinion thereon.

The motion was carried.

THE PUNJAB VILLAGE PANCHAYAT (AMENDMENT) BILL.

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muhamadan, Rural) (Urdu) : Sir, I beg to move :—

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

This amending Bill has been brought forward to vest local officers and, I should say, deputy commissioners with increased powers in the interest of the public at large. At present, according to section 81 of the Village Panchayat Act, any sentence, decree or order, other than *ex-parte* decree or order, passed by a panchayat is not subject to appeal, revision or review at the hands of any court or authority. This provision of the law which is very stringent on the face of it works great hardship in not a few cases and more so because the deputy commissioners generally hesitate to interfere with the orders of the panchayats even if in some hard and deserving cases, they may desire to do so. I am not in a position to say definitely why the deputy commissioners generally take up that attitude in this matter, but I am inclined to think that the provision laid down in section 41 of the Act, according to which they must submit a report and give reasons to the commissioner concerned for suspending or prohibiting the execution of an order of a panchayat, deters them from taking a suitable action. To avoid going to the commissioners for the confirmation of their orders, the deputy commissioners are generally heard to say to the aggrieved persons that because the fine has already been paid, it is not necessary or desirable to re-open the matter. May be they do not also want to bring a bad name to the panchayats by interfering and setting aside so often their orders. It is, therefore, very necessary that the desired amendment be made and the

[Kanwar Mamraj Singh Chohan].

deputy commissioners be vested with powers to revise or review the orders of the panchayats without going to the commissioners. The attitude of the panchayats themselves also warrants this action being taken. It will perhaps interest the honourable members to know, and I am sure the Government will also be very much interested, that unfortunately for the public, the panchayats have come to think that the accused arraigned before them need not be given any facilities to defend themselves. Not even that. They do not care whether a summons issued for any one of them has been duly served upon the accused or not. I know of a case which came up before the panchayat at Shahzadpur in which an accused was punished and fined without his having been given an opportunity to plead his cause. No doubt a summons was issued by the panchayat to be served upon the accused, but it was never duly served upon him. However, it was taken by the panchayat to have been duly served upon the accused because his elder brother had come and appeared before the panchayat being another accused in that case. This case was brought to the notice of the deputy commissioner concerned who felt that injustice had been done. But all the same he preferred not to reopen the case. There is another very interesting case in point. In this case a person was asked by a panchayat to demolish the house in which he was living. As the house did not belong to him he did not and in fact could not obey the order of the panchayat. But in spite of his pleading his inability to demolish the house, he was fined Rs. 5 per day. In this case too the deputy commissioner concerned did not like to interfere although there was good reason for him to do so. The pity is that this is being done by panchayats having educated men as their members. To put a stop to such arbitrary orders of the panchayats I am sure that the Government will have no objection to accept this motion and allow it to be considered at once. If, however, it is considered necessary that this Bill should also be circulated for eliciting public opinion thereon I shall have no objection to that course being adopted.

Mr. President : Motion moved—

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

The Honourable Dr. Gokul Chand Narang (Minister for Local Self-Government) : Sir, I beg to move—

That the Punjab Village Panchayat (Amendment) Bill be circulated for eliciting public opinion thereon by the middle of February, 1935.

In moving this amendment I express no views on the merits of the Bill at all. But I think the Bill involves an important question of principle which should not be decided straight off and people who are likely to be affected by this amendment ought to be consulted. I expect that the honourable mover of the motion which is now before the House will accept this amendment of mine.

Kanwar Mamraj Singh Chohan : I accept it.

Mr. President : The question is—

That the Punjab Village Panchayat (Amendment) Bill be circulated for eliciting public opinion thereon by the middle of February, 1935.

The motion was carried.

The Council then adjourned till 2-30 P. M. on Friday, the 26th October, 1934.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Friday, 26th October 1934.

The Council met at the Council Chamber at 2-30 P. M. of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

CONSTITUTION OF UPPER CHAMBER IN THE PUNJAB.

***3759. Chaudhri Afzal Haq :** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that the Government of India consulted the provincial Government in 1934 on the subject of the constitution of Upper Chamber in the Punjab ;
- (b) if so, what was the opinion of the Government on it ;
- (c) whether the opinion will be laid on the table ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a), (b) and (c). I regret that it is not in the public interest to answer this question.

FAZAL ELAHI QURBAN AS CANDIDATE FOR THE LAHORE MUNICIPAL ELECTIONS.

***3760. Chaudhri Afzal Haq :** Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that Fazal Elahi Qurban submitted an application to the District Magistrate, Lahore, asking permission to stand as a candidate for the Lahore municipal elections ;
- (b) whether it is a fact that the said Fazal Elahi was served with notice under section 30 of the Punjab Criminal Law Amendment Act, III of 1932 ;
- (c) whether it is a fact that the District Magistrate warned him not to violate any restriction imposed upon him by the Government in respect of joining meetings and processions if standing as a candidate ;
- (d) whether this order of the District Magistrate was brought to the knowledge of the Government ;
- (e) whether the Government has considered the anomaly of permitting one to stand for election and at the same time prohibiting him from joining meetings and processions ?

The Honourable Mr. D. J. Boyd : (a) to (c). Yes.

(d) No.

(e) There does not appear to be any necessary anomaly.

CHAUDHRI SHER JANG, PRISONER, MULTAN CENTRAL JAIL.

***3761. Chaudhri Afzal Haq :** With reference to question No. 881¹ (unstarred) and its answer, will the Honourable Finance Member kindly state—

- (a) whether the Government had any complaint against Chaudhri Sher Jang while he was confined with other prisoners in the barracks ;
- (b) if not, then what necessitated keeping him in a separate cell ;
- (c) his weight when he was first admitted to the jail and his weight now ;
- (d) whether his is a special case or whether it is the policy of Government to keep all conspiracy case prisoners in separate cells ?

The Honourable Mr. D. J. Boyd : The information asked for is being obtained, and will be communicated to the honourable member when ready.

Chaudhri Afzal Haq : May I know why it requires more than fifteen days to get the information as if it is to be got from a distant village ?

The Honourable Mr. D. J. Boyd : We enquired from the jail authorities, but the full information has not yet been received.

Chaudhri Afzal Haq : May I know when the enquiry was made ?

The Honourable Mr. D. J. Boyd : The file is not here, and I regret that I cannot answer that question.

MEDICAL SCHOOL, AMRITSAR.

***3762. Chaudhri Afzal Haq :** Will the Honourable Minister for Education kindly state—

- (a) the number of students of Medical School, Amritsar, who for more than two years attended the school and then left ;
- (b) the number of Muslim students of Medical School, Amritsar, who for more than two years attended the school and then left ;
- (c) whether the attention of the Government has been invited to the letter that appeared in daily *Ahsan*, Lahore, of 27th September 1984, on page 2 with regard to certain complaints against the professors of Medical School, Amritsar ;
- (d) what action has been taken by the Government ?

The Honourable Malik Sir Firoz Khan Noon : (a) 93 (since 1980).

(b) 20 (since 1980).

(c) Yes.

(d) The propriety of legal proceedings against the authors of these and other similar attacks on the Amritsar school authorities is under the consideration of Government.

Chaudhri Afzal Haq : Does it mean that Government does not want criticism against the department ?

The Honourable Malik Sir Firoz Khan Noon : No. We like criticism, but the unjustified criticism against a particular officer who has an excellent record and who is being victimised by some interested persons in his office makes the Government feel that it is its duty to defend that officer.

¹ See Appendix.

MEDICAL SCHOOL, AMRITSAR.

***3763. Chaudhri Afzal Haq :** Will the Honourable Minister for Education kindly state—

- (a) whether his attention has been invited to the leading article which appeared in the *Inqilab*, dated 29th September 1984, about the Medical School, Amritsar ;
- (b) whether enquiries have been made into the complaints mentioned therein ;
- (c) the result of the enquiries ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) No enquiries were made on the appearance of this article, the true facts being already known to Government. The honourable member's attention is invited in this connection to the reply given to part (b) of his question No. *3699.¹ It has there been explained that the examination system at Amritsar is similar to that obtaining generally in the medical colleges and schools of India. The newspaper article to which the question refers is founded on ignorance of the essential facts.

(c) Does not arise.

PATWARIS IN TAHSIL DASUYA.

***3764. Chaudhri Afzal Haq :** With reference to question No. *8444², put on 28th June 1984, and the answer to it, will the Honourable Revenue Member be pleased to state the answer to part (b) of the question and the cause of Muslim patwaris being punished more than the patwaris of other communities ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : At the last session of the Council, Sir Miles Irving has already stated in reply to part (b) of Council question No. *8444² that it is against the public interest to mention names. As for the further information now asked for presumably more Muslim patwaris were punished because more patwaris of that community happened to deserve punishment.

HOUSES OF ILL-FAME IN MUHALLA WAKEFIELD GANJ, LUDHIANA.

***3765. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) whether the attention of the Government has been drawn to the complaint of a correspondent of the *Inqilab*, dated the 21st September 1984, page 6, with respect to the houses of ill-fame in Muhalla Wakefield Ganj, Ludhiana city ;
- (b) if so, whether the police made any enquiry into the nefarious activities of the people complained of ?

¹ Page 555 ante.

² Page 234 ante.

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) Yes. As no cognizable offence was disclosed the police reported the matter to the Municipal Committee, and it is understood that the Committee are taking action.

THEFT OF ELECTRICAL ENERGY IN LYALLPUR.

***3766. Chaudhri Afzal Haq :** With reference to the reply to question No. *2829¹, asked on 27th February 1984, will the Honourable Minister for Local Self-Government please state—

- (a) the result of investigation made into the theft of electrical energy in Lyallpur ;
- (b) the extent of loss sustained by Government ;
- (c) the names of Government servants, if any, involved in the theft of electrical energy ?

The Honourable Dr. Gokul Chand Narang : (a) The allegations regarding theft of electrical energy have not been substantiated.

(b) and (c) Do not arise.

Chaudhri Afzal Haq : May I know who made the enquiries ?

The Honourable Dr. Gokul Chand Narang : I do not know exactly the individual who made the enquiry, but it should certainly be some officer of the Hydro-Electric Department.

THEFT OF ELECTRICAL ENERGY IN LYALLPUR.

***3767. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) the action taken against Government servants involved in the theft of electrical energy in Lyallpur ;
- (b) the safeguards adopted by Government against such thefts ;
- (c) whether the facts disclosed in the enquiry were sufficient to hand the case over to police for investigation, and, if so, whether it was entrusted to police ?

The Honourable Dr. Gokul Chand Narang : (a) Attention of the honourable member is invited to the answer to part (a) of his Council question No. *3766.

(b) and (c). Do not arise.

Chaudhri Afzal Haq : May I know whether the enquiry was made by an officer of the department or by some other officer ?

The Honourable Dr. Gokul Chand Narang : If the honourable member means to ask whether the case was handed over to the police, I do not think so, but I am not certain. The honourable member should have asked for this information in his question.

LOSS OF SEALING PLIERS IN LYALLPUR.

***3768. Chaudhri Afzal Haq :** With reference to question No. *2830¹, asked on 27th February 1934, will the Honourable Minister for Local Self-Government please state the result of investigation into the loss of sealing pliers in the Lyallpur division and the action taken against the persons responsible for the loss ?

The Honourable Dr. Gokul Chand Narang : The result of the investigation showed that (in all) three pliers were lost of which one was subsequently recovered. The officials directly responsible for the loss were M. S. G. Khan, Line Superintendent, and M. Aziz Din, Linesman. The former was severely reprimanded in writing and the cost of the pliers was recovered from him, while the latter was discharged from service.

GAZETTED POSTS IN ELECTRICITY BRANCH.

***3769. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please lay on the table a statement showing—

- (a) the total number of gazetted posts in the Electricity Branch on 30th September 1934, and the percentage of Muslims in these posts ;
- (b) the total number of gazetted appointments made between 1st October 1933 and 30th September 1934 and their distribution community-wise ?

The Honourable Dr. Gokul Chand Narang : (a)

Total No. of posts.	Percentage of Muslims.
49	20 4 per cent.

(b)

Total No. of appointments made.	DISTRIBUTION.				
	Europeans and Anglo-Indians.	Muslims.	Hindus.	Sikhs.	Others.
14	4	2	5	3	..

¹ Vol. XXIV page 289.

HEAD WORKS ENGINEER, ELECTRICITY BRANCH.

***3770. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please—

- (a) lay on the table a copy of the advertisement in which the Chief Engineer, Punjab, Public Works Department, Electricity Branch, invited applications for the post of Head Works Engineer ;
- (b) state the total number of applications received in response to the advertisement ;
- (c) state separately the number of Muslim and non-Muslim applicants who fulfilled the conditions laid down in the advertisement ?

The Honourable Dr. Gokul Chand Narang : (a) A copy of the advertisement is laid on the table.

(b) 108.

(c) None of the applicants fulfilled all the conditions as laid down in the advertisement.

Punjab Public Works Department, Electricity Branch.

Applications are invited for the post of a Head Works Engineer in the scale of Rs. 200—20—600 in the Punjab Public Works Department, Electricity Branch.

Applicants must be fully qualified and experienced Engineers, graduates of a recognised Engineering University or Corporate Members of a recognised Institution of Engineers with at least 5 years' practical experience of Construction and Maintenance of Head Works.

The selected candidate will be allowed—

- (a) leave and leave salary to the extent admissible to Government servants subject to ordinary leave rules ;
- (b) 2nd class travelling allowance under the Punjab Travelling Allowance Rules ;
- (c) to subscribe to the Punjab Contributory Provident Fund.

Applications with full details of qualifications and experience should reach the undersigned by the 1st of February 1934.

*Chief Engineer, Punjab, Public Works Department,
Electricity Branch.*

HEAD WORKS ENGINEER, ELECTRICITY BRANCH.

***3771. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) the names of Muslims, if any, selected and recommended by the Chief Engineer, Punjab, Public Works Department, Electricity Branch, for the post of Head Works Engineer in the Electricity Branch ;
- (b) the reasons for not selecting a Muslim for this post ?

The Honourable Dr. Gokul Chand Narang : (a) The information was contained in a confidential document, and it is not in the public interest to disclose names.

(b) None with any Head Works experience was available for the pay.

HEAD WORKS ENGINEER, ELECTRICITY BRANCH.

***3772. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) the qualifications and experience possessed by Sardar Sant Singh and those required in the text of the advertisement for the post of Head Works Engineer in the Electricity Branch ;
- (b) whether it is a fact that before his appointment as Head Works Engineer, Sardar Sant Singh was an overseer in the Irrigation Branch ?

The Honourable Dr. Gokul Chand Narang : (a) Sardar Sant Singh is an Associate in Engineering (Sheffield). He possesses about 20 years' experience including about 7 years on the Headworks. For qualifications required in the text of the advertisement the honourable member is referred to the copy of the advertisement laid on the table in answer to his Council question no. *3770.

(b) Yes.

HEAD WORKS ENGINEER, ELECTRICITY BRANCH.

***3773. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that before the appointment of Sardar Sant Singh as Head Works Engineer, the Head Works were being looked after by a Muslim overseer of the Electricity Branch ;
- (b) if so, the reasons for promoting Sardar Sant Singh, Overseer, to the rank of the Head Works Engineer for the same work ?

The Honourable Dr. Gokul Chand Narang : (a) Rai Sahib Lala Banshi Ram Tandon was in charge of the Headworks at Brot up to the end of September, 1933, when the monsoon season was over. An Overseer could therefore be left at the Headworks during the dry months to look after routine work under the direct supervision of the Resident Engineer. The Overseer was a Muslim.

(b) Sardar Sant Singh has not been appointed to do the same work that was being done by the Overseer.

REDUCTION OF A MUSLIM OVERSEER, ELECTRICITY BRANCH.

***3774. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that a Muslim overseer, who was looking after the Head Works, was reduced to a lower grade on the appointment of Sardar Sant Singh in Electricity Department ;
- (b) if reply to (a) above be in the affirmative, the reasons for this reduction ?

The Honourable Dr. Gokul Chand Narang : (a) The Muslim overseer was originally intended for the lower grade overseer's post, and after the retirement of Rai Sahib Lala Banshi Ram Tandon was temporarily posted against the higher grade and reverted to the lower grade on the appointment of the Head Works Engineer.

(b) Does not arise.

HEAD WORKS ENGINEER, ELECTRICITY BRANCH.

***3775. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether Mr. M. A. Ghafoor was employed as an Assistant Engineer on the construction of the Mandi Scheme ;
- (b) whether Mr. Ghafoor was then recommended by the Chief Engineer, Hydro-Electric Branch, for the post of Head Works Engineer ;
- (c) if replies to (a) and (b) above be in the affirmative, the reasons for not accepting the recommendations in the case of this officer ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Yes, but the recommendation was later on withdrawn by the Chief Engineer.

(c) Does not arise.

APPOINTMENT OF MR. SIBOU AS LOCAL MANAGER IN ELECTRICITY
BRANCH.

***3776. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that Mr. B. K. Sibou has been selected for appointment as Local Manager, Grade I, in the Electricity Branch ; if so, his academical qualifications ;
- (b) whether the academical qualifications possessed by Mr. Sibou make him eligible for the appointment of Local Manager ;
- (c) if reply to (b) above be in the negative, the reasons for selecting Mr. Sibou for the post of Local Manager ?

The Honourable Dr. Gokul Chand Narang : (a) Yes. He passed the Technical Class from the Thomson Civil Engineering College, Roorkee, specialising in Electrical Engineering. He is an Associate Member of the Institution of Engineers (India). He is also a graduate of the Institution of Electrical Engineers (London), and an Associate of the Institute of Electrical Engineers (America).

(b) and (c). The attention of the honourable member is invited to the answer given to parts (g) and (h) of question No. *9810.¹

LOCAL MANAGER, ELECTRICITY BRANCH.

***3777. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether an advertisement was issued for filling up the posts of Local Manager, Grade I, in the Electricity Branch against which Messrs. S. S. Kumar and L. H. Advani were appointed ;

- (b) if reply to (a) above be in the negative, the reasons for not advertising these posts ?

The Honourable Dr. Gokul Chand Narang : (a) No.

(b) A large number of applications were received in response to the advertisement for the post of Assistant Commercial Officer. It was, therefore, not considered desirable to incur further expenditure in advertising for the posts in question. These gentlemen were selected out of the applicants.

LINE SUPERINTENDENT, ELECTRICITY BRANCH.

***3778. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether the candidates for the post of Line Superintendent in the Electricity Branch are required to undergo a practical trial by Mr. S. M. Blagg, Line Construction Engineer, before they are appointed as Line Superintendents ;
- (b) if reply to (a) above be in the affirmative, whether Malik Lachhman Dass, Line Superintendent, was so tried ;
- (c) if reply to (b) above be in the negative, the reasons for not observing the procedure in the case of this Line Superintendent ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) and (c) No, because the Executive Engineer, Lahore division, had personally tested him and found him suitable.

MALIK LACHHMAN DASS, LINE SUPERINTENDENT, ELECTRICITY BRANCH.

***3779. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) the technical qualifications and experience possessed by Malik Lachhman Dass in the electrical work, who has been appointed as Line Superintendent in the Electricity Branch ;
- (b) the length of service and the names of the posts held by Malik Lachhman Dass in the Electricity Branch before his appointment as Line Superintendent ?

The Honourable Dr. Gokul Chand Narang : (a) Malik Lachhman Dass does not possess any special technical qualifications. He had been employed on line construction work in the Irrigation Branch for a period of about 8 months and in the Electricity Branch for a period of about 3 months.

(b) Three months as work charged estimator and surveyor and meter reader. It may be added that Malik Lachhman Dass had about five years' service to his credit in the Irrigation Branch where he was employed on technical jobs.

MALIK LACHHMAN DASS, LINE SUPERINTENDENT, ELECTRICITY BRANCH.

***3780. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

(a) whether it is a fact that Malik Lachhman Dass was first appointed as Meter Reader and then as Line Superintendent in the Lahore division of the Electricity Branch ;

(b) whether he is the brother of Malik Nand Kishore who was the Head Clerk of the Lahore division, when the above-mentioned appointments were received by Malik Lachhman Dass ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Yes.

LINE SUPERINTENDENTS, ELECTRICITY BRANCH.

***3781. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

(a) the total number of temporary and permanent posts of Line Superintendents in the Punjab, Public Works Department, Electricity Branch, on 30th September 1984 ;

(b) the number of such posts held by Muslims on 30th September 1984 ?

The Honourable Dr. Gokul Chand Narang : (a) 48.

(b) 12.

REMOVAL FROM SERVICE, ELECTRICITY BRANCH.

***3782. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

(a) the total number by community of the non-gazetted officials holding permanent posts substantively in the Punjab Public Works Department, Electricity Branch, who have been removed from service since 1st April 1984 and the reasons for their being selected for discharge ;

b) whether the reasons which led to the discharge of such men were communicated to them and their defence to the charges made obtained ;

(c) whether the ends of justice could not be properly met by awarding them any lighter punishment ?

The Honourable Dr. Gokul Chand Narang : (a) and (b). The services of three non-gazetted Muslim officials have been terminated in accordance with the terms of their service, a copy of which is laid on the table. It will be observed from paragraph 8 (c) of these terms that it is not necessary to give any reasons for this action. The question of charges and defence does not, therefore, arise. It is considered that it will not be to the interest of anyone concerned to state the reasons now. It may, however, be added, for the information of the honourable member, that the services of two gazetted Hindu officers had to be similarly terminated.

(c) No.

Terms of Service.

You are hereby offered the post of _____ on the permanent non-gazetted establishment of the Electricity Branch of the Punjab Public Works Department on the following terms and conditions of service:—

2. *Pay.*—You will be in the scale of Rs. _____ . You will be on six months' probation and your initial pay will be fixed at Rs. _____ per mensem (Rupees) less the emergency cut which may be enforced by the local Government with effect from 1st April 1933. The rate of pay offered herein is subject to Government's approval and under their orders will be subject to alteration.

3. *Leave.*—Leave will be earned and granted in accordance with the ordinary leave rules applicable to permanent Government servants or such others as may be approved by Government for this Branch. You will be allowed to carry forward the leave admissible to you under your present agreement.

Leave cannot be claimed as a matter of right, and it is at the discretion of the sanctioning authority to grant or refuse it as the interests of the public service require.

4. *Travelling Allowance.*—You will be allowed travelling allowance in accordance with the rules laid down in Punjab Financial Handbook No. 2, Volume III, subject to such amendments as may be made from time to time.

5. *Special Provident Fund.*—You will not be entitled to any pension, but if a Special Provident Fund is approved for the non-gazetted staff of this Branch you will be permitted to subscribe to the fund at such rate as is approved by Government. Government will make a contribution to the fund up to such percentage of the sum deposited by you as may be approved. Interest will be allowed on the amount at your credit in the fund at rates approved by Government from time to time.

6. *Medical Attendance.*—You will be entitled to free medical attendance for yourself only.

7. *Quarters.*—You will not be provided with free quarters or given any allowance in lieu thereof, but if required to occupy a residence attached to the post, you shall pay rent not exceeding 10 per cent. of your salary.

8. *Termination of Service.*—(a) Your services may be dispensed with by Government at any time without notice for serious misconduct, inefficiency, neglect or failure of duty on your part.

(b) During probation your services may be dispensed with without notice should your work for any reason be considered as unsatisfactory.

(c) After expiry of the probationary period Government can dispense with your services at any time upon giving 3 months' notice in writing that your services are no longer required. No reason for this action need be given. Similarly if you wish to terminate your employment, you will be required to give 3 months' notice or forfeit 3 months' pay in lieu thereof.

9. If you are prepared to accept the post offered on these terms, please let me have your acceptance to this offer within 7 days of receiving this letter and report yourself for duty to _____.

LINE SUPERINTENDENTS, ELECTRICITY BRANCH.

*3783. **Chaudhri Afzal Haq:** Will the Honourable Minister for Local Self-Government please state—

(a) whether it is a fact that Hyder Ali Khan, Abdul Ghani and Attar-Bahman who were Line Superintendents in the Electricity Branch, on probation have been discharged from service;

(b) if reply to (a) above be in the affirmative, whether any extension of probationary period was granted, and, if so, how many times and for what total period in each case;

(c) whether any defects in their work were brought to their notice and their explanations obtained before discharging them from service?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) No extensions of the probationary period were recommended by the Executive Engineers under whom Hyder Ali Khan and Abdul Ghani were serving and none were therefore granted. In the case of Atta-ur-Rahman the probatoinary period was extended by three months by the Executive Engineer under whom he was serving.

(c) No. It is not necessary to point out defects or call for explanations from persons serving under probation.

LINE SUPERINTENDENTS, ELECTRICITY BRANCH.

***3784. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

(a) whether it is a fact that the work of Dalip Singh, S. B. Bhatnagar, Mohan Lall and Harparshad, Line Superintendents on probation in the Electricity Branch, has been reported by their Executive Engineers to be unsatisfactory ;

(b) if so, how many extensions of their probationary period have been given, and what is the total period of extension in each case ?

The Honourable Dr. Gokul Chand Narang : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

LINE SUPERINTENDENTS, ELECTRICITY BRANCH.

***3785. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

(a) whether it is a fact that Mohan Lall and Dalip Singh, Line Superintendents, whose work was reported to be unsatisfactory during their probationary period in one division, were, after such reports, transferred to other divisions in the Electricity Branch ;

(b) whether any Muslim Line Superintendent on probation, about whom unsatisfactory reports were recieved, was similarly transferred to another division of the Electricity Branch ?

The Honourable Dr. Gokul Chand Narang : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

LINE SUPERINTENDENTS, ELECTRICITY BRANCH.

***3786. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

(a) whether it is a fact that the work of Des Raj, Line Superintendent of Local Distribution in the Electricity Branch, has more than once been reported by his Exeactive Engineer, to be unsatisfactory, and, if so, what action has been taken against this Line Superintendent ;

- (b) whether this Line Superintendent was previously removed from service of the Electricity Branch on account of serious break-down in the Lahore-Amritsar temporary transmission line which was in his charge?

The Honourable Dr. Gokul Chand Narang : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

LINE SUPERINTENDENTS, ELECTRICITY BRANCH.

***3787. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether Atta-ur-Rahman, Line Superintendent in the Electricity Branch, whose services have been recently dispensed with, was employed on the local distribution work in Nankana Sahib and Jaranwala and whether the subordinate was in charge of the temporary supply to the fair area in Nankana Sahib held during the month of November 1933 ;
- (b) if reply to (a) above be in the affirmative, whether any defect or shut down in the supply was recorded against him ;
- (c) if reply to (b) above be in the affirmative, the particulars of such defects of shut down ?

The Honourable Dr. Gokul Chand Narang : (a) Atta-ur Rahman was employed as a Line Superintendent on the local distribution work in Nankana Sahib and Jaranwala, but he was not in charge of the temporary supply in Nankana Sahib during the fair held in November 1933.

- (b) and (c) Do not arise.

SHUT DOWNS IN THE TRUNK AND BRANCH TRANSMISSION LINES ELECTRICITY BRANCH.

***3788. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether there was a shut down at Lyallpur in the Low Tension Lines of the Electricity Branch on 2nd June 1934, in consequence of which power could not be supplied to a part of the town for about twelve hours on that date, i. e., from 6 A. M. to 6 P. M. ;
- (b) if reply to (a) above be in the affirmative, who was the Line Superintendent in charge of maintenance of line and what action was taken against him on account of this shut down ?

The Honourable Dr. Gokul Chand Narang : (a) No.

- (b) Does not arise.

SHUT DOWNS, CHUHAR KANA ELECTRICITY BRANCH.

***3789. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that the 11 K. V. lines of the Electricity Branch at Chuhar Kana were shut down from 5 p. m. on 7th May 1934 to 3 a. m. on 8th May 1934 ;
- (b) if reply to (a) above be in the affirmative, who was the Line Superintendent responsible for the maintenance of line and what action was taken against him ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) No Line Superintendent was responsible for the shut down, and therefore no action was called for.

SHUT DOWNS IN THE LOW TENSION LINES, ELECTRICITY BRANCH.

***3790. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that there were shut downs in the Low Tension lines of the Electricity Branch at Lyallpur for about 10 hours on 8th July 1934 and for about 5 hours on 9th July 1934 ;
- (b) if reply to (a) above be in the affirmative, what was the name of Line Superintendent incharge of the maintenance of the lines in question and what action was taken against him ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) No Line Superintendent was responsible for the shut down, and therefore no action was called for.

Chaudhri Afzal Haq : How did this failure of supply occur ?

The Honourable Dr. Gokul Chand Narang : At Lyallpur ? It was due to a storm which brought about some derangement of the wires, and it took time to be readjusted. The reasons are too technical for laymen to understand.

Chaudhri Afzal Haq : For twelve hours there was no electric supply ?

The Honourable Dr. Gokul Chand Narang : Yes. It was very unfortunate, but no one was to blame.

Chaudhri Afzal Haq : No one was competent to set it right within a short time ?

The Honourable Dr. Gokul Chand Narang : There were people competent, but the thing had to take its time. The defect was so serious that it required the time it did for its repair.

Chaudhri Afzal Haq : Will the Honourable Minister ask his subordinates to explain the position ?

The Honourable Dr. Gokul Chand Narang : Yes, they have explained. I have got the explanation in the file ; as I said the reasons are too technical for laymen to understand. I should confess I did not myself understand them, and I thought I need not bother the honourable member with them.

Chaudhri Afzal Haq : Let us try to understand them.

The Honourable Dr. Gokul Chand Narang : I can get the file even now and read out the explanation, but I assure the honourable member he will not be any the wiser by it.

FILLING UP OF POSTS IN THE ELECTRICITY BRANCH.

***3791. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether Jamal Din, Mati-ur-Rahman and Mohammad Abdullah have worked in the Electricity Branch during the construction of the Mandi Scheme on the regular and temporary establishment as Assistant Store-keeper, clerk and typist respectively, but have not so far received permanent appointments on the operation staff ;
- (b) whether E. R. Varma, Amar Chand, Pishan Dass and Rudar Singh, who have little or no service in the Electricity Branch, have been appointed against permanent or long term posts in preference to the above named Muslims ;
- (c) if reply to (b) above be in the affirmative, the reasons for ignoring the claims of the above named Muslims retrenched from the Electricity Branch in contravention of Government orders issued in their letter No. 467-F., dated the 18th October 1932 ?

The Honourable Dr. Gokul Chand Narang : (a) Yes ; Jamal Din and Mohammad Abdullah are being retained in service against temporary vacancies. The report on the work of Mian Mati-ur-Rahman received from the Executive Engineer where he was last employed during operation was not satisfactory, and as more suitable and experienced men are available he has not been given an appointment.

(b) The persons named have all been appointed in an officiating capacity. The period of service of these men ranges from over three to over six years.

(c) Does not arise.

CLERICAL STAFF IN THE ELECTRICITY BRANCH.

***3792. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please—

- (a) lay on the table a statement showing the details of service rendered in the Electricity Branch prior to 1st April 1933 by the undermentioned members of the clerical staff—
 - (i) Muhammad Anwar-ud-din Siddiqi,
 - (ii) Muhammad Abdul Latif,
 - (iii) Farid Alam Shah ;
- (b) state whether the record of service of these three officials ; prior to 1st April 1933, has been satisfactory ?

The Honourable Dr. Gokul Chand Narang : (a) The required statement is laid on the table.

[Hon. Dr. Gokul Chand Narang.]

(b) Yes.

Statement showing the details of service rendered in the Electricity Branch prior to 1st April 1933 by Messrs. Muhammad Anwar-ud-din Siddiqi, Muhammad Abdul Latif and Farid Alam Shah.

Item No.	Name of person.	Name of post and scale of pay.	PERIOD OF SERVICE.		
			From	To	Total period.
					Y. M. D.
1	Muhammad Anwar-ud-din, Siddiqi.	Head Clerk in the scale of Rs. 100—200.	6-7-25	31-3-33	7 8 26
2	Muhammad Abdul Latif.	Clerk in the scale of Rs. 40—90.	10-9-27	14-3-29	5 6 22
		Clerk in the scale of Rs. 40—140.	15-3-29	31-3-33	
3	Farid Alam Shah ..	Clerk in the scale of Rs. 40—90.	18-1-27	4-11-29	6 2 14
		Clerk in the scale of Rs. 40—140.	5-11-29	31-3-33	

CLERICAL STAFF IN THE ELECTRICITY BRANCH.

***3793. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

- whether Messrs Muhammad Anwar-ud-din Siddiqi, Muhammad Abdul Latif and Farid Alam Shah were appointed on permanent establishment of the Electricity Branch from 1st April 1933, and the condition of probation was waived in their case in view of their past good work ;
- whether it is a fact that Muhammad Anwar-ud-din Siddiqi and Farid Alam Shah have recently been served with three months' notice of termination of services and Muhammad Abdul Latif has recently been discharged from service ;
- if reply to (b) above be in the affirmative, what were the reasons for this action ?

The Honourable Dr. Gokul Chand Narang : (a) The clerks named were appointed on the permanent operating staff from 1st April 1933. The condition of probation was waived in the case of all clerks who were appointed to posts involving duties similar to those being performed by them on the construction establishment.

(b) Yes.

(c) The attention of the honourable member is invited to the answer given to Council question No. *9782¹.

COPYISTS.

***3791. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that in 1929 Mr. Abbott, the then Financial Commissioner, prepared a scheme to bring the copyists on regular clerical establishment of the district courts ;
- (b) whether it is a fact that Mr. Abbott had stated therein the number of copyists required in each district of the Punjab, which he had found necessary after consultation with Deputy Commissioner of each district ;
- (c) whether Government is aware that the number of copyists was arbitrarily increased during the last 4 or 5 years ;
- (d) if so, whether such increase was justified and the reasons for doing so ;
- (e) whether Government contemplates to take any steps to reduce the number so disproportionately increased ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) It is a fact that in 1923—not 1929 as suggested in the question—Mr. Abbott prepared a scheme of this kind.

(b) Yes, Mr. Abbott did propose a staff of copyists for each district on the basis of the income that was then expected ; but when his final proposals were circulated most of the Deputy Commissioners asked for a larger staff than what he proposed and so the scheme was dropped.

(c) No.

(d) and (e) Do not arise.

COPYISTS.

***3795. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the Financial Commissioner has delegated to the Divisional Commissioners powers to prescribe the number of copyists in each district ;
- (b) if so, whether the Financial Commissioners have laid down any principles for the guidance of the Commissioners in this matter ;
- (c) whether the Commissioners have ascertained the requisite number of copyists for each district in their divisions, and, if so, whether they have kept in view the actual amount of copying work existing in each district ;
- (d) if such requisition was made what number was recommended by the various Deputy Commissioners for their respective districts ;
- (e) whether those numbers are equal to the number approved by Mr. Abbott ?

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

(b) No.

(c) Government have no reason to believe that the Commissioners have not, from time to time, passed proper orders in view of the requirements of the public service in any given case.

(d) It is regretted that it is not possible to reply to this question in view of its vagueness.

(e) if the reference is to the scheme prepared by Mr. Abbott in 1923 the honourable member is referred to the reply to part (b) of Council question No. *3794. The number of copyists was not finally prescribed by Mr. Abbott for any district.

COPYISTS.

***3796. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member be pleased to state whether it is a fact that Mr. Hearne, P. C. S., (Retrenchment Officer) on special duty invited the attention of the Financial Commissioner to reduce the number of district court copyists and raise Government's share of the copying fee?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It is not in the public interest to disclose the contents of official reports of this character.

COPYISTS.

***3797. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member please state—

(a) the income to Government from copying work in each district ;

(b) the number of copyists employed in each district ;

(c) whether the outturn of work prescribed by the High Court is 4,100 words in English and 3,000 words in Vernacular ;

(d) the average outturn of a copyist under the existing circumstances ;

(e) if this outturn is less than the outturn prescribed by the High Court whether Government has issued instructions that steps be taken to provide the copyists in the lower courts with an amount of work equal to that of men of their class in the High Court ?

(f) if so, whether they are being acted upon ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : If the honourable member will specify the period for which the information under parts (a), (b) and (d) is asked, an attempt will be made to give a reply. Meanwhile the reply to part (c) is "Yes."

COPYISTS.

***3798. Shrimati Lekhwati Jain:** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that since 1st April 1934, separate Government copyists have been employed for the copies to be prepared for prisoners;
- (b) if the answer to the above question be in the affirmative, whether Government has looked into the matter with a view to find out if the prescribed amount of work as laid down by the High Court will remain for the ordinary copyists?

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

(b) The Financial Commissioner has under his consideration the question of fixing a standard of daily output of section copyists. The practical effect of this standard will be a matter for consideration later.

COPYISTS.

***3799. Shrimati Lekhwati Jain:** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the case of English copyists maintained in the Lyallpur district was considered by the Deputy Commissioner in December 1922;
- (b) if so, whether Government will place on the table the orders of the Deputy Commissioners as to the number of copyists working since 1922 upto the present time;
- (c) whether Government has considered the advisability of reducing the number of these copyists in this district;
- (d) if not, what action Government intends to take in the matter?

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

(b) It is not in the public interest to disclose the contents of official papers of this character.

(c) and (d) Under paragraph 88 of the Financial Commissioners' standing order 5, the Commissioner of the division is competent to fix the number of copyists in a district with due regard to actual requirements. Government have no reason to believe that their interference in the matter is necessary.

COPYISTS.

***3800. Shrimati Lekhwati Jain:** Will the Honourable Revenue Member be pleased to state—

- (a) the average remuneration per month obtained by the English copyists in each district in the last year;
- (b) the average remuneration per month obtained by the Vernacular copyists in each district in the last year?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (b) Statements showing the average remuneration per month per copyist in the year 1933-34 are laid on the table.

Average monthly income of copyists for the year 1933-34.

District.	English copyists.	Vernacular copyists.	REMARKS.
	Rs.	Rs.	
Hissar	52	18	
Rohtak	39	23	
Gurgaon	54	19	
Karnal	49	21	
Ambala	44	20	
Simla	41	25	
Kangra	28	23	
Hoshiarpur	57	24	
Jalandur	47	20	
Ludhiana	24	16	
Ferozepore	46	31	
Lahore (Sadr)	59	28	
Amritsar	47	26	
Gurdaspur	75	42	
Shalkot	*67	*32	*Average of 16 months ending 31st July 1934.
Gujranwala	94	50	
Sheikhpura	53	19	
Gujrat	26	16	
Shahpur	47	27	
Jhelum	28	18	
Rawalpindi	61	24	
Attock	90	23	
Mianwali	21	13	
Montgomery	39	17	

District.	English copyists.	Vernacular copyists.	REMARKS.
Lyallpur	56	25	
Jhang	42	25	
Multan	46	18	
Muzaffargarh	29	17	
Dera Ghazi Khan	55	24	

COPYISTS.

***3301. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member please state—

(a) whether it is a fact that in the districts of Gurdaspur, Sialkot, Jullundur, Hoshiarpur and Dera Ghazi Khan the copyists get their remuneration in specified shares ;

(b) if so, whether it is permissible under Rule (2) (b) of the Financial Commissioners' Standing Order No. 5 ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No, so far as concerns the Gurdaspur and Dera Ghazi districts and the vernacular copyists in the Sialkot, Jullundur and Hoshiarpur districts. The English copyists in the Sialkot and Hoshiarpur districts are paid in specified shares, while in Jullundur they are divided in two classes, A and B, the former getting 55 per cent. and the latter 45 per cent. of the income available for distribution.

(b) Yes ; under rule 40 (2) (b) of the Financial Commissioners' Standing Order No. 5.

DAR-UL-ISHAAT AND CANVASSEES OF BOOKS.

***3302. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education please state—

(a) whether it has been brought to his notice that a firm of publishers (Dar-ul-Ishaat) has engaged the services of one of the real brothers of the Inspector of Schools, Multan division, as a canvasser ;

(b) whether any complaints have been received from any of the headmasters of schools in the Multan division that the canvasser referred to above uses the name of his brother who is the Inspector of Schools for purposes of securing orders for books ;

(c) what steps, if any, are proposed to be taken to remove this complaint of undue influence being exercised in the name of the Inspector of Schools, Multan division ?

The Honourable Malik Sir Firoz Khan Noon : (a) A brother of the Inspector of Schools, Multan division, was engaged by this firm some years ago, but resigned the appointment at the request of the Inspector.

(b) No.

(c) Enquiries are being made to find whether this man has been re-employed.

BOOKS OF KHAN BAHADUR SHAIKH NUR ELAHI.

***3803. Rai Bahadur Lala Sewak Ram :** (i) Arising out of Council question No. 671¹ asked and answered on 28th July 1933, will the Honourable Minister for Education kindly state—

(a) whether Khan Bahadur Shaikh Nur Elahi still has any pecuniary interest in the sale of his books either himself or through any one of his relatives ;

(b) whether he and his relatives have completely severed their financial relations with the publishers with respect to books published by him ;

(c) what sum or sums he or any of his relatives have received in lieu of the sale of his rights as author of his books during the years 1932-33 ?

(ii) If answer to (b) is in the affirmative, will he be pleased to state the date on which the said Khan Bahadur or his other relatives finally parted with their rights, and the last year or part of year for which royalty was paid to him or any of them or became due to them on the sale of his books ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) Neither Khan Bahadur Shaikh Nur Elahi nor any relative of his has any interest in any text book in use in the Punjab. Shaikh Nur Elahi still owns the copy right of his story books, which he could not sell. The Khan Bahadur has, however, stopped all future publication of these books, and has also surrendered his interest in the present stock, the publishers having been instructed to use his share of the income from royalty for any charitable purpose.

(c) Rs. 26-11-8 on account of royalty on the sale of story books.

(ii) Khan Bahadur Shaikh Nur Elahi sold the copy right of his text-books within the Punjab on 27th January, 1928, and the last instalment on account of this sale was paid in December 1930. The last year for which he received royalty on the sale of story books is 1932-33.

ELECTRICITY BRANCH.

***3804. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly —

(a) lay on table a list of gazetted and non-gazetted officers in the Electricity Branch community-wise, before the present Secretary to Chief Engineer, Electricity Branch, came into this Department, and before the charge of the Electricity Branch was placed under the Honourable Minister ;

- (b) lay on table a list of gazetted and non-gazetted officers, community-wise, in the Electricity Branch at present ;
- (c) state whether Government intends to atone for the gross injustice, as shown by the proportionate representation of the various communities in the above mentioned cadre, if not, why not ?

The Honourable Dr. Gokul Chand Narang : (a) It is regretted that the list asked for by the honourable member cannot be laid on the table, as it is considered that the time and labour involved in preparing it will not be commensurate with the advantage likely to be obtained from it.

- (b) The required list is laid on the table.
- (c) Does not arise. No injustice has been done to any community.

Statement showing gazetted and non-gazetted posts community-wise in the Punjab, Public Works Department, Electricity Branch, on 1st October 1934.

—	Total No. of posts.	Europeans and Anglo- Indians.	Muslims.	Hindus.	Sikhs.	Others.
Gazetted ..	49	12	10	19	7	1
Non-gazetted ..	377	4	157	157	49	10

INJUSTICE TO MUSLIMS.

***3805. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether the Government is aware of the statement which appeared in the issue of the *Weekly Mail*, dated the 12th March 1934 ;
- (b) whether the Government is aware of the fact that the supplement to the *Weekly Mail*, dated the 13th August 1934, was despatched to His Excellency the Governor along with the said issue ;
- (c) what action the Government proposes to take with regard to the injustice done to the Muslims couched in the said issue ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Yes.

(c) Government does not admit that there has been any injustice to any community.

HEAD WORKS ENGINEER.

***3806. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the post of the Head Works Engineer was advertised and in response to the advertisement issued, many qualified and experienced Muslim Engineers applied ;
- (b) the reasons for the promotion of Sardar Sant Singh to the post of Head Works Engineer ?

The Honourable Dr. Gokul Chand Narang : (a) The honourable member is referred to the answer given to part (c) of Council question No. *3770¹ asked by Chaudhri Afzal Haq.

(b) Sardar Sant Singh was selected because besides being a qualified Engineer, he also possessed about 7 years' experience of Head Works and was therefore, considered most suitable.

HEAD WORKS ENGINEER, ELECTRICITY BRANCH.

***3807. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that one Mr. Ghafoor actually held the charge of the post of the Head Works Engineer in Electricity Branch ;
- (b) if so, why it was not considered feasible to appoint Mr. Ghafoor as Head Works Engineer ?

The Honourable Dr. Gokul Chand Narang : (a) No.

(b) Does not arise.

MUSLIMS IN ELECTRICITY BRANCH.

***3808. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether the Government is aware of the considerable excitement that has been and is being evinced by the Muslim journals of the province over the elimination of Muslims from the Department of Electricity of the Punjab ;
- (b) whether the Government is aware of the fact that Muslim feelings regarding the Electricity Department have been voiced from time to time through the Punjab Legislative Council ;
- (c) what steps the Government will take to improve the matters, if not, why not ?

The Honourable Dr. Gokul Chand Narang : (a) Certain Muslim periodicals have alleged that Muslims do not get a fair chance in the Electricity Branch.

(b) Yes.

(c) Qualified Muslims have in fact no less opportunities of admissions to the Branch and advancement therein than qualified representatives of any other community.

MUSLIM GRIEVANCES.

*3809. **Chaudhri Muhammad Abdul Rahman Khan :** Will the Chief Secretary to the Punjab Government kindly state—

- (a) whether the Government is aware of the letter addressed to His Excellency the Governor in February 1934, by the Secretary, Muslim Rights Protection Board ;
- (b) what are the contents of the said letter ;
- (c) whether Government have taken any measures to redress Muslim grievances, if not, why not ?

Mr. C. C. Garbett : (a) If the honourable member will kindly give further particulars about the letter efforts will be made to trace it.

(b) and (c) Do not arise.

LOCAL MANAGER, ELECTRICITY BRANCH.

*3810. **Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that Mr. Sibou, the present Local Manager, in the Electricity Branch, passed the subordinate examination from the Roorkee College and served the department as a temporary engineer ;
- (b) whether it is a fact that the said Mr. Sibou failed to pass the examination prescribed for engineers ;
- (c) whether Mr. Sibou was reverted from a senior to a junior grade ; and why ;
- (d) whether it is a fact that along with Mr. Sibou there was a Muslim officer named Mr. Ghafoor, who received his training in England ;
- (e) whether the said Mr. Ghafoor had earned extremely good reports as a construction officer ;
- (f) whether it is a fact that Mr. Ghafoor was turned out of the Department of Electricity on the allegation that he possessed insufficient qualifications ;
- (g) whether Mr. Sibou has not the same disqualification ;
- (h) if so, why he was granted a permanent post ?

The Honourable Dr. Gokul Chand Narang : (a) Mr. Sibou passed the Technical Class from Roorkee College and was employed in the Electricity Branch as a temporary engineer.

(b) Mr. Sibou did not sit for the examination referred to.

(c) Yes because he did not sit for the examination referred to in (b) above.

(d) Mr. Ghafoor did receive training in England but was unable to obtain a Diploma or Degree.

[Hon. Dr. Gokul Chand Narang.]

(e) Some reports were good, some otherwise.

(f) No.

(g) and (h) Mr. Sibou does not hold any of the Degrees, Diplomas or certificates prescribed for appointment to the Provincial Service of Engineers in the Electricity Branch but he has been selected for appointment as Local Manager, Grade I, because he has over 22 years' service to his credit, and has already held charge of a sub-division for some years, has considerable experience on the commercial side of the Project and was strongly recommended by the Chief Engineer as a person fit to perform the duties of Local Manager, Grade I.

Chaudhri Muhammad Abdul Rahman Khan : Was this fact that the name of the candidate was Sibou, a reason for making his selection ?

The Honourable Dr. Gokul Chand Narang : No.

SHIFT ENGINEER.

***3811. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

(a) whether it is a fact that an additional post of Shift Engineer has been added to the three such posts already, making four in all ;

(b) whether this fourth post will be filled by a Muslim Shift Engineer ; if not, why not ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) The post has already been filled by a non-Muslim as no suitable Muslim was available.

Chaudhri Muhammad Abdul Rahman Khan : If a suitable Muslim is available now ?

The Honourable Dr. Gokul Chand Narang : Certainly I will consider his case if any vacancy occurs in the future.

SHIFT ENGINEERS.

***3812. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

(a) whether it is a fact that formerly there were two Sikh and one Muslim Shift Engineers ;

(b) whether it is a fact that the said Muslim Shift Engineer was discharged after some time ;

(c) if so, what charge was levelled against him and whether the charge was proved ;

(d) if not, for what reason the Muslim Shift Engineer was dismissed ;

(e) the name of the person placed in his place and his qualifications ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b), (c) and (d) The attention of the honourable member is invited to the reply given to Council question No. 2840¹ asked by Chaudhri Afzal Haq on 27th February 1934.

(e) No permanent appointment has yet been made. Mr. Sleem Hassan is working as an apprentice engineer. He holds a diploma from a State Technical College at Munich.

ELECTRICITY DEPARTMENT.

***3813. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

(a) whether the Government is aware of the fact that in winter session an honourable member brought to the notice of the House the wrongs perpetrated on the Muslims in the Electricity Department ;

(b) whether it is a fact that the Honourable Minister for Local Self-Government gave an undertaking that he would see that no injustice should be done to the Mussalmans in the Electricity Branch in future ;

(c) what steps the Honourable Minister for Local Self-Government has so far taken to do justice to the Muslims in regard to the undertaking given in the winter session ?

The Honourable Dr. Gokul Chand Narang : (a) Government is aware that an honourable member brought to the notice of the House the alleged paucity of Muslims in the Electricity Branch.

(b) An assurance was given that keeping in view the words of Sir Geoffrey deMontmorency that "efficiency is the primary consideration" it will be certainly kept in view that every community is justly and fairly dealt with.

(c) All possible efforts are being made to fulfil the above assurance.

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : Will the Honourable Minister give an instance in which efforts were made in earnest to secure the services of a Muslim gentleman ?

The Honourable Dr. Gokul Chand Narang (Urdu) : Yes. An engineer with an experience of head works was required. Every effort was made to secure the services of an experienced Muslim. But no Muslim with an experience of head works could be found. To achieve this end a letter was also sent to the Irrigation Department requisitioning the services of an experienced Muslim to fill up this vacancy. But a Muslim candidate also was not forthcoming even in that department. Consequently a Sikh was appointed. He had an experience of 7 years of head works.

Sayad Mubarak Ali Shah (Urdu) : Did you know before you sent the requisition to the Irrigation Department that they will not be able to comply with it ?

The Honourable Dr. Gokul Chand Narang (Urdu): I am not a *Pir* like you to claim to know things beforehand.

An Honourable Member (Urdu): Did the Chief Engineer suggest to the Honourable Minister that he should ask the honourable member who so often asks questions regarding the deficiency of Muslim representation in the Electricity Branch, to recommend the names of some Muslim engineers with the requisite qualifications and experience? If so, did he act accordingly?

The Honourable Dr. Gokul Chand Narang (Urdu): No. You had undertaken to supply experienced Muslims for this department. But you did not supply any.

Chaudhri Afzal Haq (Urdu): Did any subordinate of this department suggest that the honourable member should be asked to recommend the names of any such experienced Muslim engineers or did it occur to the Honourable Minister himself?

The Honourable Dr. Gokul Chand Narang (Urdu): No doubt it occurred to me and I thought of instructing the department to consult the honourable member about it but knowing that he had no experience of this line and that he did not appear very serious about it I gave up the idea. If the honourable member cares to supply us with a list containing the names of such Muslim engineers I would certainly consider their claims for any post falling vacant in the future.

An Honourable Member (Urdu): But tell us who suggested that the honourable member should be consulted about it. . . . Was it suggested by the Chief Engineer or some body else?

The Honourable Dr. Gokul Chand Narang (Urdu): I say that it occurred to me that the honourable member should be consulted about it and I was going to write to the department but later on as I thought the honourable member could not be serious about it I dropped the idea. You can even now give me a list containing the names of qualified candidates. Can you suggest the name of any one who possessed the required qualifications and experience but was not taken?

Chaudhri Afzal Haq (Urdu): There were four such candidates who were highly qualified but were not taken. For instance Ata-ur-Rahman was not taken although he was qualified for this job. This shows . . .

Mr. President: Order. Order.

The Honourable Dr. Gokul Chand Narang: If the department is to run smoothly it must not be attacked by the honourable members in this way. I fear the Chief Engineer would rather resign his office than have men under him who may not be able to run the show. It is most unfair that a technical department like this should be made the butt of such attacks. With your permission Sir, I would submit that these questions are not always well-considered and their consequences are not properly weighed. I must submit that it has been felt by this department that these questions have led to a deterioration of discipline. It appears that some honourable members of this House get at the clerks of various departments and get information from them which is against all discipline and which is against all rules and

then make use of the incomplete information obtained from the subordinate staff. I leave it to you to decide how far it is consistent with the duty of an honourable member of this House who is expected to co-operate with the administration and not to put obstacles in the way of the successful operation of the department.

Chaudhri Afzal Haq : May I explain my position? When an Honourable Minister attacks honourable members of the House .

Mr. President : Did the Honourable Minister attack any honourable member?

Chaudhri Afzal Haq : Yes, Sir.

Mr. President : If so, the Honourable Minister should withdraw his attack.

The Honourable Dr. Gokul Chand Narang : I did not attack the honourable member. I only said that these questions were not always well-considered and the consequence not properly weighed.

HEAD WORKS ENGINEER.

***3814. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that Sh. Ghulam Mustafa, an overseer of the Irrigation Department served the Electricity Branch for several years as an overseer and sub-divisional officer ;
- (b) whether it is a fact that Sh. Ghulam Mustafa was reverted to his own department at the completion of the construction of the scheme ;
- (c) whether it is a fact that Sardar Sant Singh, an overseer of the Irrigation Department, has been appointed as Head Works Engineer ;
- (d) whether it is a fact that Sardar Sant Singh never before served the Electricity Branch ;
- (e) if the answer to (d) is in the negative, why Sh. Ghulam Mustafa was not given preference to Sardar Sant Singh ?

The Honourable Dr. Gokul Chand Narang : (a), (b), (c) and (d) : Yes.

- (e) Because he was not qualified ; nor did he apply.

SUTLEJ VALLEY PROJECT.

***3815. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Member for Revenue kindly state—

- (a) whether it is a fact that on page 41 of the Accountant-General's report on the Appropriation Accounts for the year 1928, it is stated that the Sutlej Valley Project is expected to yield a net profit of 12.6 per cent. ;
- (b) whether it is a fact that actually there was a loss of 2.7 per cent. ;

[Ch. Muhammad Abdul Rahman Khan.]

- (c) whether it is a fact that the Government promised to appoint a committee to investigate and report on the causes of this loss ;
- (d) if the answer to (c) above be in the affirmative, whether the said committee has submitted its report ; if so, when is it likely to be made available for the use of this Council ;
- (e) if the answer to (c) above be in the negative, whether Government proposes to appoint such a committee ; if so, when ; if not, why not ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) The honourable member's reference is incorrect. He presumably refers to page 41 of the Appropriation Accounts for the year 1931-32 wherein it is stated that the Sutlej Valley Project was expected to yield a net profit of 12·06 per cent. in that year.

(b) No. The loss was 2·47 per cent.

(c) No. For reasons fully detailed at page 41 of the Appropriation Accounts 1931-32.

(d) Does not arise.

(e) No. As the completion report of the Sutlej Valley Project which will shortly be ready will enable Government to review the situation and take such action as may be considered desirable.

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : The answer to my question may kindly be given in Urdu as I cannot understand the answer given in English.

Mr. President : I am not aware of any rule or standing order under which I can ask the honourable member to translate his answer.

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : Sir, this is a Council of the *Kalamen* and it is expected that their language should also be a *Kali* language. But it is very unfortunate that instead of a *Kali* language a foreign language of white people is being used as a medium of expression.

Mr. President : I shall be very glad to help the honourable member if the standing orders allow me to do so.

Mian Nurullah : If speeches can be made in Urdu it is only common sense that questions put in Urdu should be answered in Urdu.

Mr. President : An attempt is being made to answer questions in Urdu.

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : Sir, it is proper that the answers to questions put by the non-English knowing members should be given in Urdu so that they may be able to understand them.

Mr. President : Yes, if the rules and standing orders in force permit. The honourable member may have the standing orders amended.

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : Sir, I request that the answers to my questions should be given in Urdu.

Mr. President : For how many years has the honourable member been a member of the Council ? Before to-day did he ever insist on his questions being answered in Urdu ?

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : Sir, I have always put questions in Urdu and expected that their answers will also be given in Urdu.

Mr. President : The honourable member may have asked one of his friends to move an amendment to standing orders.

Chaudhri Afzal Haq : May I submit that three years ago the procedure of this House was to have the questions and answers translated into Urdu and printed and distributed to members in advance ? That practice has now been stopped. Will you kindly direct your office that in future the old practice should be restored ?

Mr. President : That matter is under consideration. It was the Retrenchment Committee which suggested a discontinuance of the practice of printing questions and answers in advance. Now it is for the House to decide whether the old practice should be restored.

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : As you are aware, Sir, according to an old practice of this House certain English speeches were translated into Urdu for the benefit of non-English knowing members. Now, Sir, you know that I do not know English . . .

Mr. President : Speeches can be translated even now under Standing Order 88 (4). But there is no such provision about Questions and Answers. Is it the wish of the House that the answers to questions should be printed as before ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : May I point out, Sir, one important consideration before you take the sense of the House ? Apart from the question of expense which we can ill-afford at the present moment, there is this aspect of the question. At present we are able to answer practically all the starred questions which are asked in the Council. If all these answers are to be printed beforehand it would mean that we would have to furnish the answers to the Council office several days before the date on which they are put in the Council so that they could be printed in time. Obviously a large number of *ad interim* replies to starred questions would not be of any use to the House.

Shaikh Muhammad Sadiq : I suggest that at least the questions and answers may be printed in English.

An Honourable Member : It was the practice of the House to get the questions as well as their answers printed beforehand. This practice may be restored.

Mr. Nanak Chand Pandit : The suggestion made by the honourable member will unnecessarily burden the poor zamindars. The old practice should not, therefore, be restored. (*Hear, hear*).

Mr. Labh Singh : My considered opinion is that most of these questions which are asked in this Council are of such a nature that it will be much better not to give them wider publicity than is being done at present by translating them into Urdu. I am all for restricting the scope of their mischief.

Mian Nurullah : May I suggest that the answers be given in the language in which the questions are put.

An Honourable Member : That would mean that if Mr. Mukerji puts his question in Bengali he must be answered in Bengali ?

(The sense of the House having been collected it was found that a majority was for continuing the existing practice).

MANDI HYDRO-ELECTRIC SCHEME.

***3816. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that the Mandi Hydro-Electric Scheme was launched with a view to supply electric current for the industrial development of the province ;
- (b) whether the Mandi Hydro-Electric Scheme has so far contributed in any way towards the industrial development of the province ;
- (c) the amount of profits originally estimated to accrue from this scheme ;
- (d) the amount of profit or loss that has actually accrued from this scheme ;
- (e) whether the Government propose to prepare a full report in regard to this scheme ; if so, when ; and if not, why not ;
- (f) the names of towns and cities which have been so far electrified as a result of this scheme ?

The Honourable Dr. Gokul Chand Narang : (a) Yes, this was one of the objects.

(b) Yes.

- (i) Many mills and factories which were originally running with coal or fuel oil have been converted to electric drive thereby resulting in money previously spent outside the province being retained in it.
- (ii) Many industries such as cement making, spinning and weaving, rubber pressing and rolling, vegetable ghee making, etc., etc., are being developed.
- (iii) It is partly due to the advent of hydro-electric power and consequent adoption of electric drive in preference to oil engine drive in various mills and factories that the fuel oil companies have reduced their prices by more than 25 per cent. so that even those industrialists who are not using electrical energy to drive their factories are being benefitted by reduced costs in production due to this drop in price.

(c) and (d) In this connection the attention of the honourable member is invited to paragraphs 91 and 92 of the report of the Committee of Inquiry into the progress of the Uhl River Hydro-Electric Scheme, from which it will be seen that the scheme is expected to be fully loaded in the 10th year of operation and able to show surplus in the 12th year. It is believed from the present rate of progress that the anticipations of the above Committee will be fully realized before the anticipated periods.

(e) Completion Report of the Scheme is under preparation in the office of the Chief Engineer.

(f) A list giving the information required is laid on the table.

List of towns being supplied with hydro power from the first stage of the Uhl River Hydro-Electric Scheme :—

1. Pathankot.
2. Gurdaspur.
3. Batala.
4. Dina Nagar.
5. Amritsar Municipal Committee.
6. Amritsar Suburban (Chheharta area).
7. Tarn Taran.
8. Ludhiana.
9. Lahore Suburban area (Sadat Bazar Lahore Cantonment and factories near Ichhra, Gulab Devi Hospital, etc., etc.).
10. Baghbanpura.
11. Kasur.
12. Ferozepore.
13. Sheikhpura.
14. Nankana Sahib.
15. Chkharharkana.
16. Jaranwala.
17. Lyallpur.

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : I have not followed what the Honourable Minister has said in answer to my question.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan (Urdu) : How would you understand it even if it is printed ?

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : But if I have to put a supplementary question does it mean that I should put it after the answer has been printed and Council adjourned ?

DISTRICT BOARD ENGINEER, JULLUNDUR.

***3817. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) when was the present District Board Engineer to the Jullundur District Board appointed to his present post ;
- (b) whether it is a fact that the said Engineer is not a qualified man and that he has not obtained his diploma from any recognised engineering institution ;

[Ch. Muhammad Abdul Rahman Khan.]

(c) : if so, whether it is proposed to appoint a fully qualified engineer in his place ; if so, when ; if not, why not ?

The Honourable Dr. Gokul Chand Narang : (a) In 1932.

(b) The present incumbent does not possess the technical qualifications prescribed in rule 10 of the District Works Rules, 1926. Sanction to his appointment was given by the local Government, under the proviso to the rule, in view of the fact that he had served the Jullundur Board in a subordinate capacity for some twenty years and had twice officiated in the District Engineer's appointment for extended periods, with satisfactory results.

(c) So far as Government are aware, the Jullundur Board is not proposing to make any change.

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : Sir, I request that the answers to my questions should be printed and supplied to me beforehand so that I may be able to put supplementary questions.

Mr. President : The honourable member is again labouring under a misapprehension. When answers are printed and circulated before they are given on the floor of the House, no supplementary questions are allowed.

Shaikh Abdul Ghani : I think it is an important point and it should be decided.

Mr. President : Let a regular motion come so that the matter may be discussed thoroughly.

Shaikh Abdul Ghani : This is a very practical suggestion. Those members of the Government who understand Urdu, and practically every one of them does, can reply in Urdu.

Mr. President : It is for them to decide. They have been answering in Urdu as well.

Shaikh Abdul Ghani : Then let them do it.

M. President : I may inform the honourable members that the questions, which are being answered now, were delivered to the Secretary of the Council, in English, signed by the honourable member. Now he wants their answers in vernacular.

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : It is very seldom that I send my questions in English. If I do so sometimes it is only for the convenience of the Council office. I think it is unfair to take undue advantage of this course of action which I adopt sometimes.

DISTRICT BOARD HIGH SCHOOL, NAKODAR.

***3818. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Education kindly state—

(a) whether it is a fact that the Government propose to provincialise a number of schools this year ;

(b) if so, whether it is intended to provincialise District Board High School, Nakodar, district Jullundur ;

(c) if not, when is the said school proposed to be provincialised ?

The Honourable Malik Sir Firoz Khan Noon : (a) No.

(b) Does not arise.

(c) The honourable member is referred to my answer to part (b) of the Council question No. 742¹ asked at the session of the Council in March last.

CONCESSIONS IN GOVERNMENT DUES.

***3819. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Member for Revenue kindly state—

(a) the average rainfall in the province during the last year ;

(b) the average rainfall in the province up to the end of September 1984 ;

(c) whether the rainfall this year is below the average ; if so, do Government propose to grant some concessions in the matter of land revenue and other Government dues ; if not, why not ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) The average actual rainfall in the province during the last year (1st January to 31st December 1983) was 30.14 inches.

(b) The average actual rainfall in the province from 1st January to 30th September 1984 was 18.51 inches.

(c) The rainfall of this year is slightly below the average. "Concessions" by which presumably the honourable member means suspensions and remissions of land revenue, other than remissions on account of the fall in prices, are regulated by the instructions contained in the Financial Commissioners' standing order No. 30 by which the local officers will continue to be guided.

PRICE OF ELECTRICITY.

***3820. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

(a) the price per unit at which electric current from the Mandi Hydro-Electric Scheme is being supplied to the consumers ;

(b) whether the price per unit of electric current supplied for agricultural purposes would be substantially lower as compared with the price charged for non-agricultural purposes ; if so, by how much ; if not, why not ?

The Honourable Dr. Gokul Chand Narang : (a) A set of tariffs as ruling at present is placed on the table.

(b) No specifically agricultural tariffs have been drawn up. The possibilities of the use of current for irrigation purposes is under investigation.

COMMUNAL REPRESENTATION IN JULLUNDUR DISTRICT BOARD.

***3821. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

(a) the proportionate population of Hindus, Muslims, Sikhs and Adh-dharmis in the Jullundur district ;

¹Volume XXIV, pages 307-08.

²Placed in the Library.

[Ch. Muhammad Abdul Rahman Khan.]

- (b) the total number of members of the Jullundur District Board ;
 (c) the proportionate communal representation of members of the Jullundur District Board ?

The Honourable Dr. Gokul Chand Narang :

(a) Muslims	..	..	..	341,488
Sikhs	..	..	..	242,251
Hindus and others	..	..	..	214,773

Figures of the Ad-Dharmi population are not available.

(b) 44.

		<i>Elected.</i>	<i>Nominated non-officials.</i>	<i>Nominated officials.</i>
(c) Muslims ..	..	10	3	..
Sikhs ..	..	23	1	..
Hindus and others ..	..	1	1	..
		—	—	—
Total ..	..	34	5	5
		—	—	—

PUNJAB TOBACCO VEND FEES ACT.

***3822. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Member for Finance kindly state—

- (a) the total amount of income that has accrued or is likely to accrue from the enforcement of the Punjab Tobacco Vend Fees Act ;
 (b) whether the Government propose to credit this income to the revenue receipts of the province ; if so, when ; if not, why not ?

The Honourable Mr. D. J. Boyd : (a) Rules for the collection of tobacco vend fees are still under consideration. No income has yet accrued nor is it possible at present to make an estimate of the income likely to accrue.

(b) The income from tobacco vend fees will form part of the revenue receipts of the province.

LAND REVENUE.

***3823. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Member for Revenue kindly state—

- (a) the year in which the existing land revenue rates were fixed ;
 (b) the price-level of agricultural produce in the said year ;
 (c) the price-level of agricultural produce at the present time ;
 (d) whether the price-level of agricultural produce has fallen to a considerable extent ; if so, do Government propose to reduce the land revenue demand in proportion to the fall in the prices of agricultural produce ; if so, when ; if not, why not ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a), (b) and (d) The attention of the honourable member is invited to the reply given to parts (a), (b), (d) and (e) of Council question No. *2973¹ by Shrimati Lekhwati Jain at the last March session of the Council.

(c) The attention of the honourable member is invited to the rates published at pages 1048-1049 of the Supplement (Part I) to the *Punjab Gazette*, dated 12th October 1934.

COMMUNAL REPRESENTATION IN AMRITSAR DISTRICT BOARD.

***3824. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) the proportionate population of Hindus, Sikhs, Muslims and Adh-dharmis in the Amritsar district ;
- (b) the total number of members of the Amritsar District Board ;
- (c) the proportionate communal representation of members in the Amritsar District Board ?

The Honourable Dr. Gokul Chand Narang :

(a) Muslims	..	..	..	878,805
Sikhs	..	..	..	859,882
Hindus and others	..	..	..	82,417

These figures are those of the 1931 census. Figures of the Adh-dharmi population are not available.

(b) 40.

		<i>Elected.</i>	<i>Nominated non-officials.</i>	<i>Nominated officials.</i>
(c) Muslims	..	5	5	..
Sikhs	..	24	..	..
Hindus and others	..	1	1	..
Total	..	30	6	4

SALARIES OF EMPLOYEES OF DISTRICT BOARD, JULLUNDUR.

***3825. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) the total amount of money disbursed monthly in the form of salaries amongst the employees of the Jullundur District Board ;
- (b) the total amount of salaries received monthly by the Hindus, Muslim, Sikh and Adh-dharmi employees of the said board, respectively ;
- (c) the total number of the employees of the Jullundur District Board and the number of Hindus, Muslims, Sikhs and Adh-dharmis amongst them, respectively ?

The Honourable Dr. Gokul Chand Narang :

				Rs.
(a)	Rs. 42,122.			
(b)	Hindus	..	..	14,478
	Muslims	..	..	21,395
	Sikhs ..	..	..	5,481
	Adh-dharmis	..	..	474
	Christians	..	..	299
(c)	Hindus	..	..	475
	Muslims	..	..	921
	Sikhs ..	..	..	187
	Adh-dharmis	..	..	62
	Christians	..	..	5
	Total	..	..	1,650

ALIENATION OF AGRICULTURAL LAND IN PIND DADAN KHAN TAHSIL.

***3826. Chaudhri Muhammad Abdul Rahman Khan :** (i) Will the Honourable Member for Revenue be pleased to state whether it is a fact that agricultural land belonging to—

- (1) Ali Shah, son of Sher Shah,
- (2) Raje Shah, son of Sattar Shah,
- (3) Sawan Shah, son of Raje Shah,
- (4) Jamal Shah, son of Haidar Shah,
- (5) Bahawal Shah, son of Qadar Bakhsh,
- (6) Roshan Shah, son of Mohkam Shah,
- (7) Sharaf Shah, son of Mubarak Shah,
- (8) Bahadur Shah, son of Rahm Ali Shah,
- (9) Haidar Shah, son of Rahm Ali Shah,
- (10) Nadir Shah, son of Mehr Shah,
- (11) Nadir Shah, son of Raje Shah,
- (12) Haidar Shah, son of Malhe Shah,
- (13) Nawab Shah, son of Bahawal Shah,
- (14) Dhuman Shah, son of Muik Shah,
- (15) Hayat Shah, son of Roshan Shah,
- (16) Saidan Shah, son of Malhe Shah,
- (17) Umar Shah, son of Sahibzada,
- (18) Gulab Shah, son of Lakhan Shah,

Qureshi agriculturists of village Pirwala in the Pind Dadan Khan tahsil of the Jhelum district and certain other agriculturists of the same village has from

time to time since the enactment of the Alienation of Land Act, 1900, been allowed without the Collector's sanction to be sold to—

- (1) Thakur Das, son of Ladha Ram, *Arora*,
- (2) Ladha Ram, *Arora*,
- (3) Kanshi Ram, son of Jiwan Mal, caste *Sabharwal Khatri*,
- (4) Buta Mal, son of Shankar, caste *Sabharwal Khatri*,
- (5) Lakhmi Das, son of Uttam Chand, caste *Arora*,
- (6) Hazari Mal, son of Uttam Chand, *Arora*,
- (7) the sons of Bishan Das, *Arora*,
- (8) Beli Ram, son of Ladha Ram, *Arora*,

and certain other non-agriculturist residents of village Pindi Saidpur in the same tahsil and

- (1) Bishan Das, *Sabharwal Khatri*,
- (2) Lamodar, son of Bishan Das, caste *Sabharwal*,

and certain other non-agriculturists of Jalalpore Kiknan in the same tahsil and also to certain non-agriculturists of Kot Admana in the same tahsil ;

(ii) whether it is a fact that the areas thus allowed to be sold in contravention of the Act exceed four or five hundred *bighas* ; and if not, what is their exact area ;

(iii) whether Government will lay on the table of the Council a list of all the sales thus allowed to be effected in contravention of the Act, giving the names of the vendor and the vendee, the identification of the fields sold, the amount of the sale-money and the date and the number of the mutation ;

(iv) what action the Government proposes to take in the matter ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (i) It is understood that such sales have been effected ; but Government are not prepared to say that all or any of the vendors belong to an agricultural tribe within the meaning of section 4 of the Punjab Alienation of Land Act.

(ii) and (iii) Do not arise.

(iv) None. It is open to any party aggrieved, if so advised, to seek relief according to law.

COTTON IN LYALLPUR.

***3827. Mian Nurullah :** Will the Honourable Minister for Agriculture please state—

- (a) if the Government is aware that *desi* cotton has been seriously affected by boll-worm in the district of Lyallpur ;
- (b) if the answer to (a) above is in the affirmative, the extent of the damage ;
- (c) whether it is a fact that the present *desi* cotton crop is a complete or partial failure in the district of Lyallpur ; if so, the causes for this ?

The Honourable Sardar Sir Jogendra Singh : (a) and (b) The *desi* cotton crop in the Lyallpur district was attacked by boll-worm and the attack is reported to be about 15 per cent. as against a normal attack of about 10 per cent. The late sown *desi* cotton is regarded as normal but there is less fruiting on the plants in the case of early sown *desi* cottons ;

(c) Does not arise.

COTTON IN LYALLPUR.

***3828. Mian Nurullah :** Will the Honourable Minister for Agriculture please state—

(a) for how long the south wind (*Dakhan*) has been blowing this year in the district of Lyallpur ;

(b) the effect of the above wind on the *kharif* crop especially cotton ;

(c) whether the Government is aware that the zamindars hold that the above wind does not allow cotton bolls to grow and develop, on the other hand it makes them fall ;

(d) how far the views of the zamindars referred to in (c) above are correct ?

The Honourable Sardar Sir Jogendra Singh : (a) The south-east wind commonly known as *Dakhan* has been blowing in the Lyallpur district during the day time only 6th to 11th October 1934.

(b) The south-east wind generally reduces humidity and consequently has a desiccating affect on the *kharif* crops. This year, however, with the exception of *desi* cotton there was no apparent effect on other *kharif* crops. Shedding of flower buds, though not serious, was caused in *desi* cotton, more particularly in the early sown crop while American cottons have so far remained practically unaffected.

(c) and (d) The zamindars generally believe that the south-east wind does not allow cotton bolls to grow and develop. Shedding is mainly caused in flower buds but the development of bolls is also adversely affected as a result of decrease in humidity.

TARMIM MEASUREMENT IN LYALLPUR.

***3829. Mian Nurullah :** Will the Honourable Revenue Member please state—

(a) if it is a fact that the Settlement Officer, Lyallpur, recommended to the Government to modify the ordinary procedure for *Tarmim* measurement in the Lyallpur district ;

(b) if the answer to (a) above be in the affirmative, what action has been taken on the recommendation ;

(c) if it is a fact that the Commissioner, Multan division, checked the measurement in several villages and found that there was practically a negligible difference in the existing condition ;

(d) if the answer to (c) above is in the affirmative, why is the measurement being continued or at least not being modified as recommended by the Settlement Officer ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (b) It is not in the public interest to publish the purport of letters received by Government from its officers.

(c) Yes.

(d) Orders were recently issued by Government, that *tarmim* should be confined to areas where *tatimma shajras* had been prepared since the last settlement

AHSAN ILAHI

***3830. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

(a) the number of persons who are confined in the jails of the province without a definite charge ;

(b) whether it is a fact that one Ahsan Ilahi has been put in prison without any specific charge ;

(c) when he was arrested ;

(d) whether it is a fact that time and again he challenged the Government to prove his guilt ;

(e) whether it is a fact that even after a long period of confinement, Government have not launched a prosecution in a court of law ;

(f) whether the Government intends to release Ahsan Ilahi ?

The Honourable Mr. D. J. Boyd : (a) 12 State prisoners and 3 detenus.

(b) He was interned under Regulation III of 1818 and all the formalities required by the Regulation were observed.

(c) February 9, 1931.

(d) No.

(e) Yes.

(f) So far as the Punjab Government are aware, the Government of India, with whom the decision rests, have no such intention.

MARTIAL LAW PRISONERS.

***3831. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

(a) the total number of Martial Law prisoners that have been released since 1924 ;

(b) the number of those that are still in jail ;

(c) the names and number of those Martial Law prisoners whose release is contemplated soon ?

The Honourable Mr. D. J. Boyd : (a) Twenty-seven.

(b) Fourteen.

(c) Government are not in a position to make any statement.

PUNITIVE TAX, CHAK 174, MUHAMMADPURA.

***3832. Chaudhri Afzal Haq :** With reference to question No. 3403¹ (starred), dated 27th June, 1934, and its answer, will the Honourable Finance Member be pleased to state—

- (a) whether any of the men exempted from the levy of the charge were those who had been convicted by courts and whose conviction had not been quashed by the High Court and were yet exempted from the charge ;
- (b) the reason for the exemption of certain members of the same community in a village ;
- (c) the reasons why those people who were honourably acquitted were charged ?

The Honourable Mr. D. J. Boyd : (a) Four of the men exempted from payment of punitive police charges had been previously convicted in a criminal case.

(b) They were exempted because their conviction related to a single incident only and otherwise they had not taken part in the factions and quarrels in the village.

(c) Because of their factious behaviour and disregard of law and order on other occasions.

NUR MUHAMMAD, LAMBARDAR, OF CHAK NO. 174, VILLAGE
MUHAMMADPURA.

***3833. Chaudhri Afzal Haq :** With reference to question No. *3404² put on 27th June, 1934, and its answer, will the Honourable Revenue Member be pleased to state—

- (a) whether he had satisfied himself that the statement contained in the answer “ Nur Muhammad, lambardar, held land on all the three outlets before the exchange of the land ” is correct ;
- (b) whether the statement mentioned above had ultimately been found incorrect and it was found that Nur Muhammad, lambardar, held no land on outlet No. 25,000 before the exchange of the land ;
- (c) if the district authorities still persist in the correctness of the statement, whether he will quote the *murabba* number on outlet No. 25,000 on which land belonging to Nur Muhammad other than the exchanged land in dispute is situated ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (b) Records prior to 1916 are not available. The *chakbandi* record of 1916 shows that Nur Muhammad held land on all the three outlets.

(a) *Murabba* No. 14/59.

¹ Pages 154—58 *ante*.

² Pages 156—38 *ante*.

NUR MUHAMMAD, LAMBARDAR OF CHAK NO. 174, VILLAGE
MUHAMMADPURA.

***3834. Chaudhri Afzal Haq :** With reference to question No. *3404,¹ dated the 27th June, 1934, and its answer parts (d) and (e), will the Honourable Revenue Member be pleased to state—

- (a) whether he has gone through the file No. 91 of 1900 which is still safe in the office of the Executive Engineer, Sheikhpura ;
- (b) whether after carefully going through the file mentioned above, the information asked for in parts (d), (e) and (f) of the question will be supplied ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) There is no such file in Executive Engineer's office.

(b) Does not arise.

PUNITIVE POLICE POST IN CHAK NO. 174, MUHAMMADPURA.

***3835. Chaudhri Afzal Haq :** With reference to question No. *3404¹ put on 27th June, 1934, and its answer to parts (d), (e) and (f), will the Honourable Revenue Member be pleased to state—

- (a) whether he will go through the case Crown *versus* Amir Din, Nur Muhammad (Lambardar), Fazal Din and Kamal Din decided by Chaudhri Bashir Ahmad, Magistrate, 2nd class (date of decision, 24th February, 1932) the appeal of which was dismissed on 2nd April, 1932, by Additional District Magistrate, Sheikhpura (Thakar Lalit Chand) ;
- (b) whether the Honourable Revenue Member after going through the judgment will supply the information asked for ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (b) Judgment has been examined, it does not help.

NUR MUHAMMAD, LAMBARDAR, OF CHAK NO. 174, VILLAGE MUHAMMADPURA.

***3836. Chaudhri Afzal Haq :** With reference to question No. *3404,¹ dated the 27th June, 1934, will the Honourable Revenue Member be pleased to state—

- (a) whether the disputed land referred to is a portion of *abadi* land (square No. 36 and 37) ;
- (b) whether the exchange of *abadi* land is considered undesirable and prohibited under section 343 of the Punjab Colony Manual 1926 by Mr. J. G. Beazley and Mr. F. H. Puckle ;
- (c) whether this mistake of exchanging *abadi* land was specially pointed out by Mr. Bradford, Deputy Commissioner, Honourable Sirdar Sir Sikander Hyat-Khan and His Excellency Sir Geoffrey deMontmorency in this very case ;
- (d) if so, whether the Government intends to set right the mistake and save the village from litigation and trouble ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a), (b), (c) and (d) The land in question is not a part of the *abadi*. The honourable member is referred to the reply given to part (j) of his question No. *8404¹, asked by him in the last session of the Council.

STATUTORY HINDU AGRICULTURISTS IN PROVINCIAL EDUCATIONAL SERVICE.

✓*3837. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state the name, tribe and place of birth of the two gentlemen shown as statutory Hindu agriculturists in the latest consolidated statement under the head Provincial Educational Service, class II ?

The Honourable Malik Sir Firoz Khan Noon : A statement giving the required information is laid on the table.

Statement showing the particulars of officers shown as statutory Hindu agriculturists in the Provincial Educational Service (Class II), Men's Branch.

Serial No.	Name.	Tribe.	Place of birth.	REMARKS.
1	Mr. Vidya Chandra	Rajput ..	Karnal (Punjab) ..	
2	Mr. Harish Chandra Bali.	Mohyal Brahman ..	Jhelum (Punjab).	

STATUTORY HINDU AGRICULTURISTS IN THE SUBORDINATE EDUCATIONAL SERVICE.

✓*3838. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) the number of posts in the A. V. section of Subordinate Educational Service on the 1st January, 1927, and 1st January 1934, respectively ;
- (b) the number of the posts referred to in (a) held by statutory Hindu agriculturists on the 1st January 1927 and 1934, respectively ;
- (c) if the progress made by statutory Hindu agriculturists is inadequate or if there is an actual set-back in their case during the period 1927—34, the reasons for this and the steps which the Ministry proposes to take in order to remedy the present unsatisfactory state of things ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) The honourable member is referred to the consolidated statements showing the proportionate representation of the various communities serving in the different departments of the Punjab Government which are placed on the Council table every year.

(c) The policy of Government was stated by the Honourable Finance Member in a debate in the Legislative Council on the 19th of July, 1927. This is still the policy of Government, and Government continue to carry out the requirements of the formula contained in the said statement of policy. As vacancies occur, the claims of duly qualified agriculturists will receive the consideration they deserve.

STATUTORY HINDU AGRICULTURISTS IN VARIOUS SERVICES.

*3839. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Minister for Agriculture kindly state the relative number of posts held by statutory Hindu agriculturists on the 1st January, 1927 and 1934, in the following cadres :—

- (a) Provincial Agricultural Service, class II ;
- (b) Agricultural assistants ;
- (c) Subordinate Veterinary Service ;
- (d) Inspectors and Sub-inspectors of Excise ;
- (e) Inspectors of Co-operative Societies ?

The Honourable Sardar Sir Jogendra Singh : A statement is laid on the table.

Statement showing the relative number of posts held by statutory Hindu Agriculturists on 1st March, 1927, and 1st January, 1934.

1ST MARCH, 1927.		1ST JANUARY, 1934.	
Total number of appointments.	Appointments held by statutory Hindu agriculturists.	Total number of appointments.	Appointments held by statutory Hindu agriculturists.
(a) 33	4	28	2
(b) 163	17	190	18
(c) †357	32	400	31
(d) 162	9	155	9
(e) 89	20	125	28

†15 posts were vacant.

EXCISE SUB-INSPECTORS.

*3840. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Minister for Agriculture kindly state the names, tribes and places of residence and birth of the candidates who have been appointed Excise Sub-inspectors by the Commissioners of Ambala and the Commissioner of Rawalpindi, respectively, during the period commencing from the 1st January, 1928, and ending on the 1st January, 1934 ?

The Honourable Sardar Sir Jogendra Singh : The information so far as is available is given below :—

	<i>Name of Excise Sub-Inspector.</i>	<i>Tribe.</i>
Ambala division ..	Ch. Nizam-ud-Din ..	Jat.
	L. Prem Sahai ..	Kayastha.
	S. Aftab Hussain ..	Sayyed.
Rawalpindi division ..	L. Wazir Chand ..	Khatri.
	Ch. Haji Ahmad ..	Rajput.
	M. Muhammad Aslam ..	Biloch.
	S. Murid Hussain Shah ..	Sayyed.

2. The remaining information is being collected and will be supplied to the honourable member as soon as ready.

STATUTORY HINDU AGRICULTURISTS IN CERTAIN CADRES OF IRRIGATION DEPARTMENT.

✓*3841. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state the number of posts held by statutory Hindu agriculturists on the 1st January, 1927, and 1934, respectively, in the following cadres :—

- (a) patwaris (Irrigation), (b) munshis (Irrigation), (c) zilladars, (d) naib-zilladars, (e) patwaris (Revenue), (f) kanungos, and (g) deputy collectors ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the consolidated statement showing the proportionate representation of various communities serving in the different departments of the Punjab Government as it stood on the 1st March, 1927, pages 3-5 and 1st January, 1934, pages 4-5. As regards (d) naib-zilladars, the number on both dates is nil.

STATUTORY HINDU AGRICULTURISTS IN CERTAIN CADRES OF POLICE SERVICE.

✓*3842. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the number of posts held by statutory Hindu agriculturists on the 1st January, 1927 and 1934, respectively, in the following cadres :—

- (a) deputy superintendent of police, (b) inspector of police, (c) sub-inspector of police, (d) assistant sub-inspector of police, (e) deputy superintendent of jail, (f) assistant superintendent of jail, (g) public prosecutor ?

The Honourable Mr. D. J. Boyd : The honourable member is referred to the consolidated statement showing the proportionate representation of the various communities in the different departments of the Punjab Government for the years 1927 and 1934 of which copies are available in the Council Library.

†The figures supplied by Irrigation Branch are for the services as they stood on 1st January, 1927.

PROSECUTING BRANCH, POLICE DEPARTMENT.

✓ ***3843. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state—

- (a) the total number of law graduates so far recruited for the prosecuting branch of the police ;
- (b) the number of Hindus, Muslims and Sikhs among the officers referred to in (a) and the number of statutory agriculturists under each group ?

The Honourable Mr. D. J. Boyd :

(a) 87.

(b)	Hindus.	Muslims.	Sikhs.
	45	30	12
Statutory agriculturists ..	6	15	4

INDIAN CHRISTIAN SUB-JUDGES.

✓ ***3844. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state—

- (a) the number of Indian Christians among sub-judges and the number of statutory agriculturists among them ;
- (b) the number of Indian Christians selected as sub-judges since the inception of the present qualifying test, the exact place occupied by the candidate selected on the list of successful candidates each time when selection took place ;
- (c) the number of Indian Christian sub-judges per lakh of the population of Indian Christians ;
- (d) the number of statutory Hindu agriculturist sub-judges per lakh of the population of Jats, Rajputs, Dogras, Gaur Brahmins, Ahirs, Gujars, Sainis and Bors alone of Hindu agricultural tribes ?

Mr. C. C. Garbett (Chief Secretary): (a) Five. One is a statutory agriculturist.

(b) The honourable member is referred to part (h) of the answer given to his question No. *3375¹ in the last session of the Council. There was, however, an error in the calculations. The Indian Christian selected in 1934 is now understood to have been 74th and not 61st in order of merit. The matter is under reference to the High Court.

(c) and (d) The honourable member is referred to the half-yearly Civil List and the Census Report, Volume XVII (Part II), copies of which are in the Council Library. Hindu statutory agriculturists in the Judicial Branch of the Punjab Civil Service number five and belong to the following tribes :—

Ahirs ..	..	..	..	..	Two.
Saini ..	..	..	..	..	} One each.
Jat,					
and Gaur Brahman					

MINISTERIAL ESTABLISHMENT IN THE HIGH COURT AND THE COURTS
SUBORDINATE TO IT.

✓*3845. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state—

- (a) the total strength of the ministerial establishment in the High Court and in all the courts subordinate to it on the 1st January 1927 and 1934, respectively ;
- (b) the number of Hindus, Muslims and Sikhs in the establishment referred to in (a) and the number of statutory agriculturists under each of the three principal communal groups on the dates specified in (a) ?

The Honourable Mr. D. J. Boyd : (a) and (b) The attention of honourable member is invited to serial Nos. 10 and 11 of 1927 and 1934 of the consolidated statements showing the proportionate representation of the various communities in the different departments of the Punjab Government as they stood on the 1st January, 1927 and 1934, respectively.

EXCESS DEMANDS FOR 1932-33.

POLICE RESERVED.

The Honourable Mr. D. J. Boyd (Finance Member) : Sir, I have to announce that all the demands which I am about to move are made on the recommendation of His Excellency the Governor.

I beg to move—

That a sum not exceeding Rs. 80,250 be granted to the Governor in Council to meet the excess expenditure incurred during the year ended the 31st of March, 1933, in respect of Police (Reserved).

The motion was carried.

HYDRO-ELECTRIC SCHEME—WORKING EXPENSES (TRANSFERRED).

The Honourable Mr. D. J. Boyd : Sir, I beg to move—

That a sum not exceeding Rs. 23,462 be granted to the Punjab Government (Ministry of Local Self-Government) to meet the excess expenditure incurred during the year ended the 31st of March, 1933, in respect of Hydro-Electric Scheme—Working Expenses (Transferred).

The motion was carried.

COMMUTED VALUE OF PENSIONS—CAPITAL EXPENDITURE (RESERVED).

The Honourable Mr. D. J. Boyd : Sir, I beg to move—

That a sum not exceeding Rs. 26,618 be granted to the Governor in Council to meet the excess expenditure incurred during the year ended the 31st of March, 1933, in respect of Commuted Value of Pensions—Capital Expenditure (Reserved).

The motion was carried.

REFUNDS (TRANSFERRED).

The Honourable Mr. D. J. Boyd : Sir, I beg to move—

That a sum not exceeding Rs. 2,11,010 be granted to the Punjab Government (Ministry of Agriculture) to meet the excess expenditure incurred during the year ended the 31st of March, 1933, in respect of Refunds (Transferred).

The motion was carried.

SUPPLEMENTARY DEMANDS FOR GRANTS.

ADMINISTRATION OF JUSTICE.

The Honourable Mr. D. J. Boyd : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 9,600 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March, 1935, in respect of Administration of Justice.

The motion was carried.

EDUCATION (RESERVED).

The Honourable Malik Sir Firoz Khan Noon (Minister for Education): Sir, I beg to move—

That a supplementary sum not exceeding Rs. 10,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March, 1935, in respect of Education (Reserved).

The motion was carried.

MISCELLANEOUS (TRANSFERRED).

The Honourable Mr. D. J. Boyd : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 6,630 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March, 1935, in respect of Miscellaneous (Transferred).

The motion was carried.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

The Honourable Mr. D. J. Boyd (Finance Member): Sir, I beg to move—

That the Punjab Relief of Indebtedness Bill as reported by the select committee be taken into consideration.

When this Bill emerged from the select committee it emerged with several amendments and additions. I have to announce that I have been informed by the Leader of the National Unionist Party that his party is not going to press the last three clauses of the Bill. I am very glad that they have come to that decision because if they had decided to press these three clauses into law, Government would have to support the amendment for the circulation of the Bill for opinion. I need hardly go into the reasons except to say that obviously serious changes in the civil law should not be rushed through a legislature. They should first be referred to elicit the opinion of the public, to elicit the opinion of the courts and above all of the High Court and in our opinion it would be hardly courteous to the High Court to proceed with the consideration of drastic amendments of the civil law without first giving them an opportunity of expressing their opinion thereon. At the same time the Leader of the National Unionist Party informed me that his party is not pressing these clauses on the understanding which Government has given it that Government will give facilities for a private Bill including these clauses, provided that that private Bill is circulated for opinion. I renew that assurance now and Government will adhere

[The Hon. Mr. D. J. Boyd.]

to it. As those three clauses which embody the most important amendments of the civil law now included in the Bill are not going to be pressed I can whole-heartedly recommend that the Bill be now taken into consideration. Government is anxious to see it passed into law as soon as possible, because the state of indebtedness among the agriculturists of the Punjab is such as to demand such alleviation as Government can give. I must make one other explanation and it is this. The Government themselves embodied in the original Bill a clause mitigating the severity of the present law with regard to imprisonment for debt. That clause has been amended in the select committee. Logically Government might be expected to go forward and to support the new clause which goes to abolish imprisonment for debt. But we have been informed by the Government of India that it is their intention to introduce legislation as early as possible with the object of amending and mitigating the law upon this very subject, and they desire that we should not proceed with our own provincial legislation upon the subject. In view of that position the Government are compelled to contest clause 33 as it stands at present. The attitude of Government with regard to the remaining clauses of this Bill is sufficiently indicated by the official amendments of which notice has been given and I do not think I need say any more. (*Hear, hear*).

Mr. President : Motion moved—

That the Punjab Relief of Indebtedness Bill as reported by the select committee be taken into consideration.

Mr. Nanak Chand Pandit : Sir, I rise to a point of order. Part VIII of the Bill, I understand, has been newly incorporated by the select committee. I do not find any corresponding clauses in the original Bill. I, therefore, submit to the House that the character of this legislation has wholly changed, and it does not retain its original character. Either the Government should see or the Unionist Party should agree to omit wholly parts VII and VIII. I submit that the character of the Bill has been changed. There are other similar clauses but perhaps I will not be absolutely clear unless I refer to them and explain them, but with the incorporation of these two parts the original Bill has certainly been changed.

The Honourable Mr. D. J. Boyd : May I make an explanation. The honourable member has just suggested that part VIII is entirely new. I draw his attention to clause 33 as included in the Bill. A provision relating to imprisonment for debt was originally provided by the Government though it was amended by the select committee. That certainly is not a new clause. With regard to other clauses in part VIII the really important ones are clauses 36, 37 and 38.

Diwan Bahadur Raja Narendra Nath : Clauses 34 and 35 are also important.

The Honourable Mr. D. J. Boyd : These, I understand, are going to be dropped by the Unionist Party and Government will certainly connive at their dropping.

Rao Bahadur Chaudhri Chhotu Ram : After discussion with the honourable member in charge of the Bill the National Unionist Party met and discussed the whole subject and came to a definite conclusion that if

deletion of the last three clauses is moved by the member in charge or by any other member they should not object to that deletion. In this decision the Sikh party also agreed. Therefore, I beg to submit that this portion of the Bill which gave it a new character will go out and the Bill which will be before the House for consideration will be substantially the same as it was when it was introduced.

Mr. President : The practice of the House of Commons is that when a Bill is extensively amended by a select committee the Speaker cannot stop its consideration, but advises the House and the member in charge to withdraw the Bill and introduce a new one in its place. There can be no two opinions that very important and drastic changes have been made in the Bill by the select committee and it may be fairly said that for all practical purposes the Bill as reported by that committee is a new Bill. (*Hear, hear*). But it may be that in the light of the explanation given by the Member in charge of the Bill and the Leader of the Opposition, who is probably responsible for the important and drastic changes, the House may not insist upon withdrawal of the Bill. At any rate it is for the House to decide whether, despite the peculiar facts of the case, it will care to adopt the practice obtaining in the Mother of Parliaments. If that practice is adopted the course for the mover of the Bill as well as for the members of the Council is perfectly clear.

Mr. Labh Singh : In view of the past practice of the Chair—I look upon this as a very important point which should be emphasised—the Chair should give the weight of its authority to the House before asking the House to vote on the matter. You, Sir, have always upheld the practice obtaining in the Mother of Parliaments.

Mr. President : It is for the House to decide the matter. The honourable member might remember that a couple of years ago my advice to follow Parliamentary practice and not to discuss the necessity for Legislation or matters involving legislation was not followed by the House.

Mr. Nanak Chand Pandit : May I draw your attention to one fact ?

Maulvi Mazhar Ali Azhar : I wish to know whether it is for the House to decide points of order or whether it is for the Chair to decide.

Mr. President : As the matter is of great importance I would like the House to decide it. I have placed my view before honourable members.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Before the question is put to the House may I submit just one word. It is a suggestion which I want to make. So far as the question of Parliamentary practice is concerned, I think it can be safely left aside after the explanation given by the Honourable Finance Member and the honourable Leader of the Opposition. If it is accepted that this Bill is not in effect a new Bill that question does not arise. It is not fair to the House to ask it to give its opinion on an issue which in view of the statements I have referred to cannot and does not arise.

Mr. Nanak Chand Pandit : There are other members in the House who have something to say upon the matter.

Mr. Mukand Lal Puri : We have got a legitimate grievance that the report of the select committee has altered the original Bill entirely and these gentlemen have come to some understanding behind our backs.

Mr. President : They have placed that understanding before the House and now it is for the House to decide whether it will proceed with the Bill or not.

Mr. Mukand Lal Puri : Is it not for the Chair to protect the privileges of members on this side of the House and also the population of this province ?

Mr. President : I have stated my view.

Mr. Mukand Lal Puri : The Chair has now given the correct advice as regards our adopting the Parliamentary procedure. The proper thing for you, Sir, now is to give effect to what you feel rather than seek shelter behind the arrangement come to between the Member in charge and the Leader of the Opposition.

Mr. President : I have clearly stated my view.

Mr. Mukand Lal Puri : The point is that the clauses in regard to which the arrangement has been arrived at do not exhaust the list of drastic changes.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I was not perhaps able to make myself clear. My point was that in view of the statements made by the Honourable Finance Member and the Leader of the Opposition it is not necessary to bring in the question of Parliamentary practice at all, because the Bill for all practical purposes, remains substantially unaltered.

Mr. President : It is for the House to decide whether it will proceed or not with the motion for consideration of the Bill.

(*After gathering the sense of the House*). I find that the House is in favour of proceeding with the motion for consideration.

Mr. Nanak Chand Pandit : I ask for a division.

Mr. Labh Singh : According to your own showing, Sir, there was no sense in not following the Parliamentary practice and now your ruling is something to the effect that the Parliamentary practice may not be followed.

4 P. M.

Mr. President : I do not think so.

Mr. Labh Singh : I discover a patent contradiction of terms.

Mr. President : The honourable member has misunderstood. After stating the Parliamentary practice I left it to the House to decide, whether in view of the explanations given by the Leader of the Opposition and the Member in charge of the Bill, it will proceed with the motion for consideration of the Bill or not, and it was on that point that I gathered the sense of the House.

Mr. Nanak Chand Pandit : There was a motion before the House when I asked for a division and it would be fair that we should know whether Government members do not want Parliamentary practice to be followed in future.

Mr. President : The honourable member had simply raised an objection or a point of order and I have taken on it the sense of the House informally in the light of explanation given. It has decided that, on the special facts of this case, the motion for consideration may be proceeded with.

Mr. Nanak Chand Pandit : Decided by whom? And we want to know how many are in favour and how many against.

Mr. President : I have gathered the sense of the House informally and not formally on the point of order raised by the learned Pandit.

Mr. Mukand Lal Puri : Sir, at the last meeting of the Council you were pleased to direct the select committee to proceed according to the Parliamentary practice from which you read out copious extracts and in obedience to that the select committee in spite of my protest proceeded to embody these matters. Now when it comes up for consideration it is stated that Parliamentary practice should not be allowed to prevail and that some other procedure which is convenient for the occasion should be followed.

Mr. President : I am afraid the honourable member's criticism of the ruling of the Chair is not justified.

Mr. Mukand Lal Puri : The ruling of the Chair was quite correct. We carried out your behest. But that ruling is not being given effect to.

Mr. President : Will the honourable member please read out the ruling?

Mr. Mukand Lal Puri : Your speech at the end of the last session of the Council giving instructions to the select committee how to proceed was very clear and unequivocal; and I would request you to ask the Secretary to get you a copy. You will find that you directed the select committee to proceed according to Parliamentary practice and we did so.

Mr. President : I do not think I directed the select committee to follow the Parliamentary practice. In reply to a question by one of the honourable members I said that our Business Manual contained no rules or standing orders on the procedure of a select committee. At the same time I summarised the Parliamentary practice on the point, but do not remember to have said that that practice should be followed. In fact I had no power to do so.

Mr. Labh Singh : I submit that the sense of the House has not been gathered.

Mr. President : I will again take the sense of the House.

(40 members against 9 rose at their seats for proceeding with the motion for consideration.)

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General): Sir, I move—

That the Bill as reported by the select committee be circulated for the purpose of eliciting public opinion thereon by the 15th February 1935.

[D. B. Raja Narendra Nath.]

After what has just now preceded and after what I have witnessed in this House I really wonder why Government has not taken back the Bill and come with a new Bill. There are so many material changes that the Bill has been changed beyond recognition. I will deal with the points of difference later on, but let me point out to you and to the House that the select committee unanimously recommended re-publication in the Gazette because it felt that the Bill had undergone drastic changes. My motion goes only a step beyond. The proper course for the Government was to take back the Bill and to bring in a new Bill altogether. However, that has not been done and I must confine myself to the amendment which I have moved.

The changes which have been made in the Bill are so very drastic that public opinion has to be elicited from two quarters. I will deal with the negotiations which have been proceeding in a most objectionable manner afterwards. Quite irrespective of the changes which Government proposes to move, quite irrespective of the amendments, that have to come from Government benches, I want to examine the Bill itself as it is before us and compare it with what it was when it went to the select committee. (*An honourable member* : You were one of the members of the select committee) : Yes, I was. Opinion has to be elicited from two quarters, first from the money-lending and the trading classes, and, secondly, from the judiciary. So many changes have been proposed in the Bill and so many changes have already been made that it is absolutely necessary to consult the highest court in this province, but they are being ignored, nobody cares for them. I will point out presently how material are the changes which have been made in the original Bill.

Let me examine the Bill as it has emerged from the select committee by stages, that is to say, I will point out what the difference is between this Bill and the Bill when it went to the select committee and what changes have been made. I will come to the Government amendments afterwards.

First of all, in the part which deals with the Usurious Loans Act compound interest has been discountenanced and the rate of interest as originally proposed in the Bill has been materially reduced. That is a change made in Part III. With regard to the discountenancing of the compound interest, what would be its effect on the judiciary and on litigation? The High Court should have been asked whether litigation will not increase to such an extent that it will become difficult to deal with it. Clause 6 of the new Bill is altogether new. It did not exist in the former Bill and I want to invite your particular attention to the application of Part III to pending suits. Has it been realised what the effect of that will be? The effect will be that all the pending cases will have to be tried *de novo*. If a case is ripe for judgment when the Act comes into force, the case will have to be retried and reheard in the light of changes which have been made in the law and if the original court does not do it, in the appellate court the judgment-debtor will urge that he should be given the benefit of the new law, and the case will have to be remanded. I wonder whether this aspect of the question was considered. It is a question on which the judiciary ought to have been consulted. With regard to conciliation boards, the cautious provisions of the old clause 16 have been altogether wiped out. In the old clause 16 it was provided that if the debtor and creditors to whom not less than sixty

per cent. of the total debts are due accept a settlement, then the remaining recusant creditors of 40 per cent. can be forced into acceptance by being told that their debt will be certified and if they choose to sue for their debt they will not be awarded costs and certain other limitations will be imposed. That was a very wise and healthy provision. The new Bill altogether abolishes it. Clause 17 does not appear in the new Bill. It has been done away with altogether. Clause 17 provided that if the board is satisfied on some grounds that there is no reason for proceeding with the application put before it, the board may dismiss the application. That power has been taken away and nothing has been substituted in its place. Parts VII and VIII are altogether new. Part VIII introduces certain very radical changes in civil law which is applicable to the whole of India. I do not see the necessity of altering that general law in the Punjab.

I now come to the amendments which Government proposes to move. In the first place, when I heard that negotiations were going on between the Leader of the National Unionist party and Government I spoke out my mind plainly to the Leader of the House. I said that it would be a case of—

ہم کو کش بگیں تا کہ وہ تپ راضی شود

"Offer him death, so that he may accept fever." That is what has happened. The learned Leader of the Unionist Party made extreme proposals and in order to win over his support the Government yielded on certain points on which it did not intend to yield when it brought forward the original Bill. Now, there is a further point. The Honourable Mover of the Bill says that the last two clauses of the Bill will be deleted and that a motion to this effect will be moved in the Council. But what about the alterations proposed by clauses 34 to 36? The Leader of the House does not commit himself to anything in regard to these clauses. Thus even assuming that the Government amendments in regard to the deletion of the last two clauses of the Bill are accepted by the Council, still the Bill contains new clauses and there is such a material change in the Bill that re-circulation is necessary. As I pointed out re-circulation is necessary not only in the interests of money-lenders or borrowers, but also in the interests of sound judicial administration of the province. The judges of the High Court ought to be consulted as to the effect of the changes made in the Bill by the select committee.

I do not propose to detain the House long. Any additional material that has to be placed before the House will be put by my honourable friend on my right (Mr. Mukand Lal Puri) who has got a bulky file before him. I need not therefore add anything to what I have said. I hope the House will consider my motion in a detached spirit and in a dispassionate manner.

Mr. President : Motion moved—

That the Bill as reported by the select committee be re-circulated for the purpose of eliciting public opinion thereon by the 15th February 1935.

Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): Sir, this Bill has been before the House and not only before the House but before the public at large for the last ten months. The Bill was published first in the Government Gazette in February 1934. Afterwards it was introduced

[Ch. Riasat Ali.]

in the Budget session of this Council by that wise mariner who steered the boat of our province through the rough seas of economic depression, who always knew to drive a nail where it will go, I mean Sir Henry Craik. He himself realising the contentious nature of the Bill and anticipating its deep-rooted and far-reaching results very modestly moved the motion that the Bill be circulated for eliciting public opinion thereon. After that we received opinions of the public at large in huge volumes. I may submit that no Bill in the history of this Council has ever been so widely circulated and commented upon as this Bill. (*An honourable member* : It is not the Bill that is now before the House that was circulated and commented upon. It was the original Bill). When I refer to this Bill I include the original Bill also.

Diwan Bahadur Raja Narendra Nath : I may point out to the honourable member that you have already ruled that the present Bill is a new Bill.

Chaudhri Riasat Ali : That ruling has not been given effect to. However that may be, I hope I will be allowed to proceed with my speech without interruption. I am now referring to the past history of the Bill. I was submitting that we received the opinions of the High Court, the judiciary and the executive, of district judges and deputy commissioners, of magistrates and sub-judges, religious, social and political bodies, of individuals, officials and non-officials, sahkars, lawyers and zamindars. In fact, no two persons have met since the introduction of this Bill in the Council who have not commented upon and criticised the provisions of the Bill on railway platforms, in trains, in lorries, and in all other places. Taking into consideration this huge amount of opinions which we have received, I think that it does not admit of any further comment at all. Afterwards in the Simla session the Member now in charge of the Bill himself moved a motion that the Bill be referred to a select committee. The Bill was submitted to a committee of 18 members. Whether the committee consisted of an inauspicious number as the "Tribune" says, or not, all the same it was a select committee to all intents and purposes. That wise officer prompted by the advantages of a long experience of a brilliant record of service thought it fit that the Bill should be sifted thoroughly by a select committee before its coming to this Council for further consideration clause by clause. That select committee finished its labours in no less than eleven sittings. The summoning of the meetings of that select committee has involved an expenditure of a very large sum to Government.

Let me explain here before I proceed further that the select committee discussed that Bill clause by clause, scrutinised it in full detail with an open mind and not as representatives of any interests, without any bias. Now the mover of the motion for re-circulation of the Bill has told us that drastic changes have been effected in the provisions of the Bill and therefore this Bill should be re-circulated. I may assure the House that on a close examination it will be found that the statement that drastic changes have been made in the Bill is a mere illusion and not a reality. The honourable member, for instance, pointed out some amendments in the Usurious Loans Act and the provisions relating to conciliation boards. Now these amendments to Usurious Loans Act and the provisions relating to conciliation boards were

already in the original Bill and these two classes of provisions have already been considered and even commented upon by the public at large. If the honourable member considers that these amendments are not suitable he is quite welcome to move amendments to the same and they will be considered and disposed of by the Council on their merits. But it cannot be said that either he or the other members of the Council have been taken unawares in the matter of these provisions. After all when a Bill goes to a select committee it is the right of that committee to cut short, to omit a clause or to add new words in the clauses and so on. Otherwise where is the necessity to send a Bill to a select committee. The select committee meets only to consider the provisions of a measure very closely, because the whole Council has not got the time to do so. If honourable members do not agree with the changes effected in the Bill as a result of their close scrutiny it is open to them to bring forward amendments on the floor of the House.

So far as clauses 36, 37 and 38 are concerned, an announcement has been made that they are not going to be discussed here. I need not therefore speak on these clauses. But the honourable member attacked Chapter VIII of the Bill as a whole and asked, "What are the reasons for changing radically the civil law of the land." I will briefly give him one or two reasons which I believe will satisfy him. The important part of Chapter VIII is clause 33 which relates to arrest. As already pointed out by the Honourable Finance Member there was a provision in clauses 27 and 28 of the original Bill which made certain changes in the matter of arrest. In Order 21, Rule 37 and in Order 21, Rule 40 (2) of the Civil Procedure Code it was provided in the original Bill that the word 'shall' should be substituted for the word 'may.' That is to say, the original Bill wanted to take away the discretion which the courts have, that they may issue notice before the imprisonment of the judgment-debtor. The amendment made it obligatory for the court to issue such notice. That shows that this matter of arrest in one aspect or another was in the original Bill which has been sufficiently commented upon by the public at large. Therefore, there is nothing new so far as change in the law of arrest is concerned. Clause 34 relates to section 60 (1) (e) of the Code of Civil Procedure. Now this section has been a dead letter. Why? Because the interpretation as to what property or what house could be saved from attachment or sale was in the hands of the judiciary. And as misfortune will have it, whenever the question of interpretation by courts comes in—I do not mean to impute any motives to courts—if it is a matter between a debtor and creditor or rather between an agriculturist debtor and a non-agriculturist creditor, the interpretation is always made in favour of the creditor.

There have been rulings which we quoted in the select committee itself in which our High Court have held that when a zamindar had two houses in one of which he tethered his mare, that house is not safe from attachment or sale in execution of a decree. Our High Court have gone so far. (*An honourable member*: Where?). They say that it is not covered by the term cattle. I do not propose to go very much into details. When the time comes I will go into them. What I want to illustrate is that section 60 of the Civil Procedure Code has been up to this time a dead letter and what we want is that no interpretation should be left in the hands of the judicial courts. We want to make provision for everything in the Bill itself. That

[Ch. Riasat Ali.]

is the reason for incorporating section 34 in the Bill which my friend wanted to know. Then under the Civil Procedure Code a man who paid the decretal amount or part of it outside the Court and did not get it certified within a fixed period, was debarred from proving that payment out of court especially when there is a quarrel or *jhagra* over the factum of payment. This is a strange thing. The law imposes a liability on the creditor and I fail to understand why if the creditor failed to discharge that liability the man to be punished for that should be the debtor. The duty is imposed on the creditor and if he fails to fulfil that duty punishment is awarded to the poor debtor. That is why this section 35 is put in to omit sub-rule 3 of Rule 2 of Order XXI of the Civil Procedure Code. I have dealt with clauses which occur in Part VIII of the Bill and which the honourable mover of the Bill does not propose to delete. Then, Sir, I further want to add that all these clauses are within the scope of the Bill. The scope of the Bill is to give relief to those in debt, debtors in general. Clauses 30, 31, 32, 33 and 34 have been added in that spirit. The condition of the debtor in this province was, as my honourable friends over there already know, published in the Calvert Committee report and it was in furtherance of that that this measure was brought forward by the Government. The debts estimated at that time amounted to 135 crores which by this time must have swelled to at least 200 crores of rupees. This is the time I suggest that this measure should not be delayed even by a single day otherwise

تا تریان از عراق آورده شود ملزم گردیدہ مرده شود

The snake-bitten will die before the antidote is brought to him. Any delay might result, I am afraid, in general dissatisfaction in the country side. We might be entangled in political difficulties if we fail to help those persons who are in debt at this critical stage. Now the stage has reached when they say that the last straw might break the camel's back. The zamindars and those in debt—I am not talking of zamindars only but all those persons who are in debt—are unable to make both ends meet. We have read in the papers the other day that one man committed theft simply for the reason that he wanted to go to jail because he could not find two meals a day if he remained outside. When this stage has reached, it is the duty of the Government as well as of all members of this House, to try to ameliorate the position of the debtor. This Bill was brought forward by the Government itself. It is not a non-official measure and I appeal to the Government that it is their bounden duty to see that the Bill is carried through during the present session and not delayed by a single minute. We have as I have already mentioned sufficiently gauged public opinion and even if we send the Bill again for eliciting public opinion thereon, what will be the result? The result will be tons and tons more of opinion, those in favour of the Bill adding five more sentences and those against five more sentences each in their own line. i.e., for, for and against, against. Practically it comes to nothing. Unfortunately everything in this province takes somehow or other a communal tinge and this Bill is not an exception to that. We tried in the select committee to make this Bill general. But unfortunately we failed and we submitted ourselves to the vote of the majority. They wanted to give relief especially to those persons who are petty landholders and whose condition is

very bad. The reason why the Bill is called a communal measure is that the Hindu *sahukars* and the *Ahrtis* or the traders are creditors while the Muslim *zamindars* happen to be debtors. That is the reason why a communal tinge is given to this Bill. I think I have given sufficient reasons to prove that no drastic changes have been made in this measure and it has been sufficiently circulated throughout the length and breadth of the province and there is no reason why we should lag behind other provinces which are so ahead. It will not be out of place to mention that the Bhavnagar State, the Kapurthala State and even the Jammu and Kashmir State have passed similar measures. The necessity for such a measure is keenly felt throughout the Empire. There is also the Bengal Money Lending Act; there is the Central Provinces Conciliation Boards Amendment Act. Similar measures are also under consideration in other provinces, such as the Temporary Regulation of Sales Bill in the United Provinces, the Regulation of Execution Bill, the Usurious Loans Amendment Bill and the Encumbered Estates Bill in the same province.

What I want to impress is that not only has this Bill been studied but it has been widely circulated and so widely known to everybody, as a sort of thrill or sensation has been sent throughout the Indian Empire that every body is well versed with the *pros* and *cons* of this question. With these words I oppose this motion.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural): Sir, Whenever speeches are made on this Bill, whether at Simla or here or whether we go through the minutes of dissent that have been added to the select committee report both by the members representing the rural classes and by those representing the urban interests, it looks as if something very drastic or something in the nature of a Magna Charta is being created for the benefit of the *zamindar*. I would like to mention at the very outset that the situation is a very serious one and under such an exceptional situation an exceptional measure is needed and I frankly admit that this measure is a very halting one. It is not at all likely to meet the requirements of the case. Anyhow we have proceeded to discuss this Bill and we should proceed with it in the hope that our friends over there will see the wisdom of proceeding with this legislation and if a more drastic legislation were needed there will be time to consider that. Sir, if a reference is made to the history of the circumstances which have necessitated this Bill, no doubt is left in the mind of any body that the Government have already taken no less than about 8 years in bringing forward this legislation before the House. The economic depression that made its appearance about the close of 1930 or at the beginning of 1931 is still continuing with its usual rigour and vigour and we do not find any signs of its abatement in the near future. It was then that it was pointed out to the Government that they should come forward with some legislation which might afford substantial and immediate relief to the indebted classes. The Government took sufficient time to make up their mind and set up an enquiry committee which, if I remember right, submitted its report to this House about the middle of June last year and that report was discussed in this House and the Government were requested to come forward with legislation and the Government took, it will be pertinent to remember, six more months to come to a definite conclusion and they introduced this Bill in the last budget session in March 1933 and at that time the

[S. Arjan Singh.]

motion was that it should be circulated for eliciting public opinion and it is unquestionably true that we have got a large volume of opinion on this Bill, some for and some against, which have been discussed by this House in the session at Simla. After that motion, the House took no less than a week to go through the *pros* and *cons* of the question and these provisions were discussed threadbare. It was then that this measure was referred to a select committee and they have come forward with certain amendments and I am free to admit that in some very important matters the provisions of this Bill have been rather toned down in favour of the creditor rather than the debtor.

I will point out what I mean by this. This will make it quite clear that this is not the time now to adopt any dilatory tactics regarding this legislation. Immediate legislation is needed and we have taken sufficient time and I think this legislation is rather overdue. Again I would make one observation in this connection and that is this that an attempt has been made to make this legislation a class legislation or what is called a communal legislation. I will not detain this House long over this question. I will content myself by reading two or three lines from the report of Dewan Gokul Chand, Revenue Assistant, Ludhiana. He has put the whole question in a nutshell. This is what he has to say—

The Bill both in form and substance appears to be an economic measure and to give it a communal colour is the height of absurdity.

He quotes figures.

I understand that there are more than 40,000 money-lenders in the Punjab and this number includes Khojas, Pathans, Shaikhs amongst Muslims, Brahmans, Khatrias, Aroras and Jats amongst Sikhs. No sane person can reasonably imagine that the Bill is directed against Hindus alone, as money-lenders come from all religions, nor can it be said that the Bill can benefit any particular community.

After this passage I think no room is left for any sane person to give it a communal colour or to call it a class legislation.

While on this subject I will make one or two observations for the benefit of those friends who have moved a motion that this Bill should be circulated for eliciting public opinion. There has been some propaganda in the press that this is a class legislation. I put it to them, is it not that they represent Hindus as such? Do they forget that they are the representatives of the Hindus as a class?

Mr. Labh Singh : No.

Sardar Arjan Singh : They would not concede that point. Do they forget that a nation—Hindus being included amongst them,—according to John Bright lives in a hut? Do they forget in their own particular case—leave alone the case of the Sikhs and the Muslims, I am taking the Hindus as a community—do they not find that their community also lives in huts? Can they say when they are offering opposition to this legislation, whether they are serving the interests of the Hindus? Can they give any explanation as to the attitude which they have adopted towards this legislation? I quite realize that Chaudhri Chhotu Ram, the zamindar Hindu leader, may have incurred the displeasure of certain members of this House, but I ask what have those Hindu zamindars the Jats, the Dogars, the rajputs, the Sainis, etc., have done to incur their displeasure? They have kept up

the Hindu traditions. Are the Hindu members here serving their interests all right? Do they not know that at this time by their opposition to this legislation they are betraying their own cause? (*Hear, hear*). They are talking of majorities and minorities in this House. Do they forget that they themselves are creating all this? As a matter of fact, they should give their best consideration to these few observations and they should remember that the zamindars are looking forward to them. They have all respect for the Hindu members but those who pose themselves to be the representatives of those interests are not alive to the interests of these people, and the time is coming, I should say that the Nemesis is closely following them and they will have to cast off this mask or they will have to fall into line with the other people who are representing real zamindar interests (*hear, hear*). Do they not know that only a day or two back Mahatma Gandhi observed that the condition of the zamindars in the rural areas is miserable? After he has defrayed the cost of farming he has very little left to him. So far perhaps honourable members will agree, but Mahatma Gandhi goes further. He lays the whole fault at our doors. He says the fault lies at the door of the urban people and perhaps he might have with some justification added that the urban people are not only not protecting their interests but, I will be excused if I say, that they are exploiting these masses.

Mr. Nanak Chand Pandit : Just as you are doing now.

Sardar Arjan Singh : The honourable member will go to ask for their votes. He has been returned by their votes and he will remember that all sorts of propaganda has to be carried on. Elections are again approaching. But the zamindars are simple people, they are poor people, they are deserving of our support, they deserve protection, but they never expect the treatment we are meting out to them. After these observations, I have a word or two for the consideration of this Government.

Mr. Nanak Chand Pandit : That was a sermon to me. Now what about the merits of the case?

Sardar Arjan Singh : The Government have taken long in coming to a conclusion that some measure is needed, and having adopted that course the Government should not be deflected from the course that they have adopted on account of some wrong propaganda that has been started by our friends over there. I have been reading since the report of the select committee has been published or has at least been made available to the press that some associations have come into existence. There are some mushroom growths and telegrams have been submitted to His Excellency the Governor. Nobody questions their right to approach the head of the province, but what I take exception to is the language, the offensive language, in which those telegrams are couched.

Mr. Mukand Lal Puri : Have any telegrams been sent to His Excellency the Governor?

Sardar Arjan Singh : The papers say that they have been submitted to His Excellency.

Mr. Mukand Lal Puri : You seem to know the language.

Sardar Arjan Singh : The papers publish the language.

Mr. Mukand Lal Puri : May I know if the honourable member has seen those telegrams? Has the purport been indicated to him by Government?

Sardar Arjan Singh : I have seen the very language of the telegrams which have been submitted to His Excellency and which have been published in the papers. There has never been a denial that such and such a telegram has not been sent. But my friends have begun to take exception before they have heard the words to which I take exception. These words are—indebted zamindar members are rushing this legislation through the Council. I admit that zamindars are not rich. It may be that they have not amassed and hoarded up money by exploiting and by squeezing out the blood of human beings, but I say the zamindar members here are as free from indebtedness as anybody on the other side can claim to be. They are saying that members are indebted, that zamindars are indebted. These are aspersions which should not be allowed to go unchallenged by members on this side of the House. That being the kind of propaganda I will request the Government to take no notice of such malicious propaganda as has been started by some interested persons.

Now, it has been suggested that the existing law is quite sufficient to cope with the situation. But it has been made clear that the existing law is a dead letter and it has also been shown by a speaker who has just preceded me that the language of that law is vague and indefinite and also that it gives so much wide discretion to the courts and that the courts have disregarded the spirit of the law. It is therefore absolutely necessary that some kind of legislation should be brought forward.

Again some criticism has been offered and that is this that the credit of the agriculturist tribes or the agricultural debtors will be restricted. It is true that it will be restricted and I for one would welcome it if the credit in some cases is restricted, because it will remove the charge that has been from time to time levelled against the zamindars that because he can get money easily therefore he has been a spendthrift and has been extravagant. If he gets money for necessary purposes no money is needed for extravagance. We, therefore, should welcome that restriction of credit or the crippling of the credit as has been described by some members. I wonder very much why the honourable members opposing this legislation are so much affected with a tender heart for the interests of the zamindars. In this connection I may be allowed to quote the proverb:

امان کولون هیجلی پیر لانی They have been opposing every legislation intended for the amelioration of the conditions of the zamindars; how is it then that they have discovered that at least in this one respect it will cripple the credit of the zamindar?

Now, I would make a hurried reference to one or two provisions of the Bill. As has been pointed out, the need for re-circulation has not been established. While speaking about the credit of the zamindars I forgot to say one or two things. If actually the credit of the zamindar goes down and he is not in a position to get money for his extravagance, I am sure some money would be made available for the advancement of industries. The provisions of the Bill have been before the public and the insolvency proceedings are its operative portions.

The strongest objection put forward by the honourable member, Diwan Bahadur Raja Narendra Nath was that the High Court were not consulted at all. He would be surprised to know that if the High Court have approved of anything in this legislation it is this clause. They have put their seal of approval to the modification in the insolvency procedure.

Diwan Bahadur Raja Narendra Nath : I did not say that with regard to the insolvency procedure. I think I said that the High Court did not approve of other things in this Bill.

Sardar Arjan Singh : The High Court say that this provision will afford some relief and that no serious objection can be taken to it. That is a question of opinion. But the question of whether the sum should be the one fixed originally in the Bill or the figure suggested by the select committee is a question of detail which need not be decided on the floor of this House. Again objection has been taken by Raja Sahib regarding the provision for interest. There again it is admitted that certain rates of interest are excessive and certain transactions are unfair. It is also a question of detail what rate of interest should be considered excessive and what kinds of transaction unfair. That question can be considered when the particular clause comes up for consideration. Objection, again, has been taken to the provision of conciliation boards. Here I may be allowed to say that the procedure that has been adopted by the select committee is much, too much, in favour of the creditor. Clauses 13 and 14 are an improvement in favour of the creditor. A clause has also been added by which if the applicant does not prosecute his application with due care and caution, the application should be dismissed. That is a disabling clause added to the detriment of the debtor.

There is yet another clause to which objection was taken, that is, that legal practitioners as such were excluded from putting in appearance before these conciliation boards. In clause 23 the select committee has provided that legal practitioners or agents should be allowed to appear before the conciliation boards. There was another provision which was an important one, I mean that relating to the modification of the law regarding arrest. That has now been abolished altogether and the Honourable Finance Member has explained that the Government of India have some legislation under their contemplation in which they might deal with this question of arrest and imprisonment of the debtor. It was, therefore, thought desirable to drop this clause altogether. Regarding other clauses the Leader of the Unionist Party and the Government seem to have come to an understanding. They certainly were very important but as the legislation is urgently needed we have to take it as it is.

I would submit that a very important case has been made out for this Bill and that the relief which is proposed to be afforded should not only be substantial but immediate. This latter object would be defeated if the circulation motion is again allowed now. It should also be made clear that if these dilatory tactics succeed the charge would be levelled at the door of this House as well as of Government, the Government on the ground that they are not doing the needful in the circumstances of the case and this House for the unbusinesslike manner in which it would be acquitting itself if it lent support to the motion for circulation. With these words I support the motion for consideration and oppose the motion for circulation of the Bill.

Mr. Nanak Chand Pandit (Hoshiarpur, Non-Muhammadan, Rural) : I have listened with very great delight to the charges made against me personally by the honourable member who has just sat down. But I think the honourable member was falling into a mistake himself against which he was warning the House. Before listening to me, before hearing what I have to say, he started a tirade against myself personally and against other members sitting on this side generally. I shall come to his points later on.

I want first of all to examine this report and the constitution of the committee besides other matters. This report is by a select committee which consisted of 13 members. Seven of them belonged to what are called the agricultural tribes. I certainly make a distinction between members of the agricultural tribes and agriculturists. An agriculturist is one who lives by agriculture, cultivates the land by his own hand and is a peasant in the true sense of the word. But here are agriculturists of the type of the honourable member who has just sat down who are agriculturists by accident of birth merely to exploit the agriculturists by saying that they also belong to that class. I shall presently show how the agriculturists are exploited by these members of the agriculturist tribes. There were seven members of these tribes. These seven members represented, according to my estimate, 50 per cent. of the Punjab population. There were three members who belonged to the non-agricultural tribes and they were also representatives of more than 50 per cent. of the population because it has been ascertained that agricultural tribes in the province are less in number than non-agricultural tribes. Investigations have been made and it has been accepted by His Majesty's Government that in the Punjab the division of classes into agricultural tribes and non-agricultural tribes leads to this that they are at least fifty-fifty but that the agricultural tribes are less in number than the non-agricultural tribes. So on this committee which was to represent the population of the Punjab seven members belonging to the agricultural tribes were allotted seats and three seats were allotted to non-agricultural tribes representing fifty per cent. or more of His Majesty's subjects, in this province. There were then three official members. Even if the official members wanted to help the non-agricultural tribes or desired to take an impartial view there were seven members on the one side and six on the other. Even if the official members tried to take a judicial view which they did not, it was impossible for them to carry it. Thus we find a report of the select committee consisting of 13 members, but not one of them prepared to support the report. Because we find that the official members say that they sign the report subject to their right to move or support any amendment in the Council. Similarly the seven members of the agricultural tribes have also written a minute of dissent. The three members belonging to the non-agricultural tribes have also written a minute of dissent. So that the report which is signed by 13 members as it stands has not got one supporter in this House. This is one point with regard to the report.

There is another point to which I wish to draw the attention of honourable members and the fact is very significant. Originally it was said in the heading of the Bill, a Bill to provide for the relief of indebtedness, and the improvement of agrarian credit in the Punjab. The words 'improvement of agrarian credit in the Punjab' have now been deleted and this omission is very significant. The official members and others must have realised

that if this measure were to become law it would not improve agrarian credit. Far from it it would go to discredit the financial situation throughout the province, and that is a reason, a very pertinent reason why these words have been dropped. If, as I shall presently show, the whole scheme of the Bill is such that instead of improving agrarian credit it lays the axe at the root of agrarian credit in this province, it would be impossible for the provisions of the Bill to be accepted. I am certain that after this Bill becomes law there could be no credit left in the villages.

I find one charge has been levelled against me and that is that I represent the rural classes and that I should not therefore oppose this measure. That is no argument. I am opposing this measure precisely because I am a representative of the rural classes. I am not speaking for any party. Perhaps on some points my views may be different from those which might be expressed by other members sitting on these benches. But as a representative of rural areas I say that the Bill does not even touch the fringe of the problem, the problem of agrarian indebtedness and it is principally on this ground that I am not prepared to support it in its present form. It entirely absolutely shows no kind of relief to the agriculturists, none whatever as I shall presently show. I am one of those, I think I have expressed myself pretty strongly, who believe that the peasant class in the Punjab is the backbone of the province and it ought to be protected. I believe also that the peasant is born in debt, lives in debt and dies in debt, and that everything should be done by the State to better his condition. I repeat that feeling of mine now. On the peasant depends the prosperity of this province. He who cultivates the land with his own hand, the peasant, the tiller of the society gives everything to us, he is the backbone of society. He gives the lawyer his fat fee; he gives the trader something to trade with; he gives everybody something to live upon. I am not one of those who believe that the peasant should not be relieved of the distress which is undoubtedly there in this class. I entirely agree with the honourable member, Sardar Arjan Singh, who I am sorry has now fled away and who does not want to hear what I have to say, that relief must be afforded to the peasant. But it should be relief, real relief and not merely an eye-wash. It is on the ground that this Bill proposes merely an eye-wash that I am not prepared to support it, that it gives no relief to the real agriculturist, to the small peasant proprietor. While I am a supporter of the agriculturist, I also want to protect the honest money-lender, not the dishonest money-lender, not the shylock, not the person who weaves a web round a person like a spider and swallows him, of which you find many instances in Darling's book. I am not a supporter of that class. I shall never support such a money-lender. I think it is a sin to support such a person. On the other hand this province is so constituted that money-lending is not confined to a particular class or caste. There are hundreds of widows who do money-lending, who lend money on interest in order to carry on their existence. There are hundreds of people who are not money-lenders and whom this Bill will entirely destroy without bringing any relief to the agriculturist. I, therefore, say that the Government was merely thinking of the regular money-lenders when it prepared this Bill. It is not the small honest money-lender; it is the big landlord who really would be benefited by this Bill and

[Mr. Nanak Chand Pandit.]

no other person would be benefited by it. (*A voice* : Question.) You may question. I am going to make it absolutely plain that I oppose the Bill on two grounds, first that it does not give any relief to the peasant proprietor and, secondly, that it really destroys the honest money-lender or the person who lends money honestly without trying to entangle any one in his meshes. It is for these reasons that I am not going to support the Bill.

I will give you instances where several countries have tried to tackle this problem before. In the United States of America at one time the peasant had a very large amount of debt to pay. The amount was much larger than the land revenue here. The principal debt here would not even pay the interest on the debts in the United States of America. (*A voice* : What was the amount ?) I cannot tell you just now, but I will give you the definite figure on Monday if you like. The problem there was tackled by the United States Government and they did not bring in a Bill of this kind or such Acts of spoliation which really take away from the poor people and put in the pocket of the people who deserve absolutely no sympathy. I would like to ask, is this an honest measure ? An agriculturist as defined here or a debtor as defined here—an owner of a thousand acres of canal-irrigated land—goes to a money-lender and borrows Rs. 10,000 and purchases more land. He comes and tries to take the benefit of the definition which is now given and he will get the benefit. His land cannot be touched because he is an agriculturist, his houses cannot be touched because he is an agriculturist, and the money-lender gave him Rs. 10,000 thinking that he was lending to a substantial man who could pay. I ask Sardar Arjan Singh who sits there and calls himself an agriculturist—he calls himself an agriculturist by mere concession (*laughter*)—he goes there and buys land which I cannot buy. He borrows Rs. 10,000. He goes in the open market and purchases canal-irrigated land. When the money-lender claims his money back, he simply snaps his fingers at the unfortunate money-lender and tells him, "I belong to an agriculturist tribe, you cannot touch my land, you cannot touch my house, you can do what you like." Is that justice, is that fair-play ? Should Sardar Arjan Singh try to compel me to support this Bill ? Can he make any distinction so far as he and I are concerned ? He comes from Hoshiarpur, so do I. He belongs to a land-owning class, so do I. His forefathers might have fought in the War but, so did mine. He is a lawyer, so am I. But in the matter of repayment of loan, his land cannot be touched, his property cannot be touched.

Pir Akbar Ali : Sir, is the honourable member speaking on the motion before the House ?

Mr. Nanak Chand Pandit : People should try to understand and not interrupt. I say that when you define "debtors" as has been defined here, you really give protection to a class which does not deserve protection, and it would be no protection to the small peasant proprietor. It is wrong to say that the poor peasant is protected by the provisions of this Bill and, therefore, my submission is that really there must be an amendment of the definition of "debtor" if you want this Act to be beneficial. Similarly, the

term "agriculturist" must also be properly defined. You cannot escape it. It is no use quoting the Acts of Bengal and the United Provinces and the Central Provinces. The problem there is not the same as it is here.

The definition of "agriculturist" here with Punjab is based on birth which as you know, once a Jat or a Gujar you can never become a Brahmin or a non-Brahmin, except in your next birth if there is any. This is the real position. The problem, I say, has not been studied by Government benches and it has not been studied by those who really want to benefit the small peasant proprietor. It has never happened in the history of the world that an Act like this has been framed to benefit the small peasant proprietor. Unfortunately to-day Government says that the small peasant proprietor shall pay no debt to the money-lender. What consolation is it to an agriculturist if to-day he gets out of the clutches of a non-agriculturist and falls into those of an agriculturist money-lender to-morrow? The result would be simply this that to-day perhaps Rai Bahadur Sewak Ram is swallowing him, to-morrow Sardar Arjan Singh will swallow him. Sardar Arjan Singh will not have the slightest hesitation to swallow him, and if he wants any authority I can quote it. Mr. Darling says in his book that the Arora makes the worst money-lender, but the Jat beats him. He quotes instances that wherever a man has fallen into the clutches of a Jat money-lender, he has never been relieved of his miseries. The Land Alienation Act has given this class liberty to swallow the small peasant proprietor. Kindly read the description of the Muzaffargarh district.

That is the problem. Are you out to benefit the small peasant proprietor, the person on whom the prosperity of this province depends or are you going to increase dishonesty, or are you going to increase inefficiency, or are you going to increase the miseries of the people in whose name you have brought this Bill? I cannot understand why those members who represent the rural classes want to be kind to debtors of all kinds. They say that they tried their best to extend the scope of the Bill, that they wanted to include the urban classes, but that it was the representatives of the urban classes who would not agree to it. I will read out the passage. They say:

We desire earnestly to impress upon all concerned that if effective steps are not taken to afford relief to debtor classes the peace of the province will be endangered.

These are threats "do not pay land revenue, do not do this and do not do that." People have been instigated to commit murders and these murders have been going on throughout the province. It is no use placing these threats before the world. Here's what they say. It shows how they propose to bring in the depressed classes.

One of the sorest grievances with the critics of this Bill was that Government and zamindars had entered into an unholy alliance to benefit the Muslim at the expense of the Hindu and the zamindar at the expense of the non-zamindar.

It has been proved beyond a shadow of doubt that there has been a sort of alliance between the zamindar members and the Government, according to which it has been agreed that they will not move such and such clauses if the others will not move their amendments. There is a definite evidence on the floor of this House that some sort of alliance does exist between the

[Mr. Nanak Chand Pandit.]

so-called zamindars on the one side and the Government on the other. The note states further :

As soon as the select committee entered upon its business we made a definite suggestion that the supposed sting of this legislation being a pro-Muslim or a pro-zamindar measure be taken out and all the provisions of the Bill should be made applicable to all sections of the population, whether agricultural or non-agricultural, rural or urban. We were surprised to find that this suggestion was stoutly opposed by those of our colleagues who claim to represent money-lending interests and the alliance, whether holy or unholy, seemed to have come into existence between the official members and the urban members of the select committee, because our official colleagues were just as keen and anxious to oppose this suggestion as our urban non-official colleagues on the Committee.

Then later on they say :

With this end in view, after our proposal to make this Bill a law of general application had failed, we proposed that the word 'agriculturist' should be so defined as to include (a) all the members of notified agricultural tribes—

and here's the cat out of the bag—

(a) All the members of notified agricultural tribes ; (b) all members of depressed classes among Hindus with all members of the classes corresponding to these Hindu classes among Muslims and Sikhs and (c) all other persons earning their livelihood mainly by agriculture.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Is it not fair ?

Mr. Nanak Chand Pandit : No, because you are also included in (a) (laughter). I will be satisfied with (c) but not the other two. That is the main point. (a) and (b) are definitely caste and class distinctions. They are based on birth, they are not based on occupation or any other distinction of this kind. Therefore, these seven members were very anxious that these agricultural tribes should come in with these members of the depressed classes and they should come in because in the near future when the depressed classes have their eight seats they should have them on their side and with the agriculturists and the depressed classes on the other, they would say, now we are going to rule the province. This is a sort of exploitation. Instead of confining the definition to a poor man not earning more than Rs. 20 or Rs. 40 or to a person who has got nothing to live upon but his own land, these gentlemen wanted a definition of this kind. "All other persons earning their livelihood mainly by agriculture" that is the only thing which should have been there. I am objecting to (a) and (b).

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : See the definition of 'debtor'. Does that not meet your point ?

Mr. Nanak Chand Pandit : It does not. The definition runs thus :

'Debtor' means a person who owes a debt or debts and

(i) who both earns his livelihood mainly by agriculture and is either a landowner, or tenant or a servant of a landowner or tenant.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Where does Raja Narendra Nath come in ?

Mr. Nanak Chand Pandit : I do not want him to be there.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Where is Rai Bahadur Sewak Ram ? Do you not want to bring him in ?

Mr. Nanak Chand Pandit : In this definition I do not want to give him a place.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : He would in any case be excluded under other clauses.

Mr. Nanak Chand Pandit : I definitely interpret it in the way I do. I am not going to accept the honourable member's interpretation. This is a landowner. That means any person who owns land. If a person owns 20,000 acres of land, the benefit would go to him.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : But it says, "who earns his livelihood mainly by agriculture."

Diwan Bahadur Raja Narendra Nath : "And does agriculture by means of a servant"—what would you call him?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I would call him a landowner.

Mr. Nanak Chand Pandit : I am not prepared to extend the benefit to that class. All those who desire that the credit of the province should not suffer should exclude these classes.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Do you want to exclude Raja Sahib?

Mr. Nanak Chand Pandit : Certainly, I do. I want to exclude Rai Bahadur Sewak Ram and Sardar Arjan Singh and Sardar Buta Singh and all the so-called "agriculturist" gentlemen who sit there. That is the main point. Therefore, I would give protection only to that person who is a petty peasant who earns his livelihood by means of agriculture and cultivates with his own hand. If you limit the Bill only to that class then you will have their sympathy. Speaking for myself I will wholeheartedly support that amendment if it is moved by Government. But the Government will not, in order to have the support of the benches opposite who claim to clamour for the protection of the small landholder. That is why I have been pointing out that the definition of debtor has been so framed that really it does not do any benefit to those poor people who ought to be benefited by a measure like this but those rich people who should not be afforded the sort of protection proposed to be given by this measure. I, therefore, submit with all the earnestness at my command that the Bill should be confined to those classes who are ignorant, who are illiterate, who cannot protect themselves and whose main livelihood is agriculture or agricultural labour. I have no objection to a Bill of that kind. But this Bill does not benefit them.

Take another instance. Here is an agriculturist under the Punjab Land Alienation Act. He wants to pay off his debt by selling his land. But he cannot go to the open market and get the highest possible price for his land. His market is very restricted and he is compelled to sell his land naturally at a price less than what it will fetch if sold in an open market. Therefore, the debt which he can wipe off by selling say ten or fifteen kanals of his land in an open market has now to be wiped off by selling 30 or 40 kanals because of the provisions of the Punjab Alienation of Land Act.

[Mr. Nanak Chand Pandit.]

Sardar Arjan Singh spoke so much about his solicitude for the poor agriculturists. I can claim to represent their interest to a greater extent than the honourable member can claim. It is only by an accident that he managed to come into the Council without election. I can challenge him to stand as a candidate for the Hoshiarpur district to which he belongs and I am sure of beating him hollow at the elections if the Hindus and the Sikhs were allowed joint electorates. That will show how much the agriculturists there have confidence in him and are prepared to support his candidature and how much confidence they have in me and support my candidature.

Mr. President : There should be a limit to irrelevancy.

Mr. Nanak Chand Pandit : I am only replying to what the honourable Sikh member for Hoshiarpur has been saying about me. More than half of his speech was directed against me. My submission is this : If you want to give genuine protection to the agriculturists you should change this definition which exists in the Punjab Land Alienation Act, so that he may have the whole market for him to dispose off as much of his land as he likes for the best price possible to enable him to wipe off his debts. Otherwise his land should be made absolutely inalienable, not alienable even to the so-called agriculturists. After all, what does it matter to a poor peasant if his land is sold to an agriculturist money-lender or to a non-agriculturist money-lender? So far as he is concerned, he is swallowed. This is the situation which I presented before the Joint Parliamentary Committee and which gave so much offence to my friend, Sardar Buta Singh. That is the real crux of the whole problem. If it is desired to save the poor agriculturist, the small landholder, either make his land absolutely inalienable, either to an agriculturist or to a non-agriculturist, or if for necessary purposes the permission of the deputy commissioner may be taken for the alienation of land, let that permission be for the small landholder to sell his land in the open market so that it may fetch him the highest price. I ask, is it justice to give protection to big landlords in the garb of giving protection to small landholders? I cannot really understand the hypocrisy underlying this sort of protection. It is impossible to argue with people who will not see the obvious. That is why we see people bringing in measures to amend the Usurious Loans Act, the Insolvency Act, the Civil Procedure Code and it will not be surprising if to-morrow a measure is brought forward to amend the Criminal Procedure Code giving protection to an agriculturist who may murder or slaughter his money-lender. If there is a genuine desire on the part of Government to help the poor agriculturists, they must take a lesson from other countries. What is the cause of the poverty and indebtedness of the poor peasants? Is he poor because of the money-lender? No. The money-lender is perhaps only one of the causes of the poverty of the agriculturist. But the real cause is that there is no small cottage industry in which he can employ himself in his spare hours and thus increase his earnings. The Government should try to find out the real causes of the poverty of the agriculturists and try to solve the problem of their relief as America has done. The State should take over the burden of the peasants. *(Interruption).* There are no such problems in America as exist here such as agriculturists and non-agriculturists. There are no

problems there of a communal nature. It must be admitted that there are no castes. Therefore the Government here must do what Governments in other countries have done by removing all causes of friction between the various castes, tribes and communities. (*Interruption*). Yes, America has done that. I have not got the book before me so that I can read extracts to show what America has done, but I will bring it next day and prove the correctness of my statement. The way in which the Government should tackle the problem of poverty of the peasants here is to take up the debts of these people to the money-lenders. I will tell you presently how that can be done. Now that the rates of interest are very low, the Government can raise a loan enough to repay the loans of the agriculturists and pay the money-lenders their due and recover the same from the borrowers in small instalments. That is the way in which the problem of indebtedness can be solved. That will be a real remedy and not the destruction of the whole body of money-lenders, including petty money-lenders, widows and orphans whose main source of livelihood is money-lending. Again, we know as a matter of fact, that more than half the income of a landholder goes in land revenue. Government can help him by relinquishing a good part of that land revenue. The zamindar is already groaning under the heavy burden of land revenue especially in those parts which are not canal irrigated. Another fact is that the land owner has to pay large amounts of money to petty officials, patwaris, girdawar kanungos, tahsildars, police, and to several other people in various forms. That is well known to all. If there is any topic on which Chaudhri Afzal Haq and myself agree it is on this topic of corruption. This corruption should be eradicated from the Government departments altogether if the poor peasant is to be protected. Government should take strong measures against corrupt people and they should be made an example of for others. Here I may add that it is not only the duty of the Government to eradicate this evil, but it is also the duty of non-official members of this Council to help the Government in this respect to help the Government in this matter. Now, what happens? Whenever the Government makes an attempt to catch hold of a corrupt officer at once a communal defence is put up: This is the work of a Muslim; this is the work of a rich Hindu and thus protection is given to a corrupt official from communal motives, from communal bias or communal considerations. Communal patriotism is exploited by these corrupt people and the result is that you are not able to stop corruption which throttles the service everywhere. Therefore the Government should take note of this. Instead of promoting these sorts of things, they should take a strong hand with these men who are reputed to be corrupt. Otherwise you cannot stamp out corruption. This has been said from the time this Council came into existence and the Government unfortunately have not taken a strong lead. They should wholeheartedly co-operate to protect the poor peasant.

Now I have given three remedies as to how the peasant is to be helped. There is another suggestion. You have now got the Rural Reconstruction Department. You are hearing every day about this. But what have you done to make the zamindar happy? Thanks to Mahatama Gandhi, he has now taken up this problem in right earnest. He has developed his scheme of rural uplift, a scheme for the development of small industries. But what has the Government done? In other civilised parts

[Mr. Nanak Chand Pandit.]

of the world it has been considered the duty of the Government to see that the earning power of the small peasant is increased. Small industries are introduced. But here we hear of mosquito nets having been introduced. The Government should at the earliest possible moment see that in their spare time these peasants, these labourers who toil day and night in their fields have something to do in their spare time.

The Honourable Mr. D. J. Boyd : What about silk rearing and poultry keeping ?

Mr. Nanak Chand Pandit : Yes, do introduce them.

The Honourable Mr. D. J. Boyd : They have been introduced here.

Mr. Nanak Chand Pandit : I can give you other suggestions on that point. But this is not the time for them. But I am asking, what has the Government done ?

The Honourable Mr. D. J. Boyd : It has done these things.

Mr. Nanak Chand Pandit : By having costly agricultural farms and paying big salaries to officers which are to be borne by the poor zamindars. I do not find any industrial programme for rural uplift.

Pir Akbar Ali : You will oppose that if the Government were to bring a motion on that subject.

Mr. Nanak Chand Pandit : You are a prophet. That is another method by which the zamindar can be helped. But the Government has not done it and the Government will not do it. Government has got so many things on hand and it does not want to give up those things and take this rural question. If the mosquito nets are to be given by an officer drawing Rs. 8,000 a month and if you have such a costly machine, you cannot possibly help the zamindar. If I have the authority in my hand I would reduce the salaries of the high officers. Of course I would protect Mr. Boyd who comes from England. I will give him some allowance. But what justification has an Indian, a Hindu or a Muslim or a Sikh for the matter of that, to draw Rs. 5,000 or 4,000 or 3,000 ? I see this clamour going on everywhere. If you want to protect this rural man, do protect him.

Chaudhri Riasat Ali : Is the honourable member speaking to the motion ? Are these the reasons for recirculation of the Bill or is he criticising the Bill ?

Mr. Nanak Chand Pandit : Let me explain matters. My friend has not understood me. The main point on which the Bill has been brought is the relief of indebtedness of the agricultural classes or the people who live on agriculture. That is the main problem. One of the burdens under which the agriculturist suffers and for which he has to borrow money is—

Pir Akbar Ali : The Bill is for the relief of indebtedness in the Punjab.

Mr. Nanak Chand Pandit : My friend will not understand what is so obvious. If he has not to pay land revenue to such an extent, if he has not to pay such high salaries to officials, his trouble is reduced to half.

That is the argument which I am developing and my friend is interrupting because he cannot understand this problem. Therefore I say that not even the fringe of the problem has been touched by this measure. Now what has this measure done? Let me sum up how I have understood this Bill. It interferes with or modifies the provisions of the Insolvency Act. It interferes with or modifies some of the sections of the Civil Procedure Code. Whether they will be carried out or not we have yet to wait and see. We have to wait and see how Chaudhri Chhotu Ram and Mr. Boyd decide this point. We have to hold up our hearts in patience and see how these things work. But so far as the select committee report is concerned—we are entitled to speak only on that—my submission is this. First of all, after having given the House some facts which would go, in my opinion, a great extent towards the relief of the agriculturist debtor, I will now proceed to show how this Bill is not going to help him at all. Now there is the question of insolvency. Insolvency is considered to be a very bad thing in India. When we say that the man has become insolvent, *diwala Nikal gia*, it carries some odium with it. Every one knows that insolvency carries a sin with it. Nobody would like to be called an insolvent. It is considered to be a bad word. Now this Bill, if enacted into law, will lead an agriculturist straight to insolvency, if he is dishonest. The Bill points out the way to dishonesty. That is what the Bill says. If a nation becomes corrupt and dishonest, it should not be permitted to live. That is my opinion. A nation which is corrupt, a nation, consisting of people who do not want to pay off their just debts should not be permitted to thrive. Instead of making the provisions of insolvency more stringent, the Bill tells the people that they can easily be dishonest. Instead of uplifting him, we are now showing him the door through which he can become insolvent if he so wants. That is the most corrupt way, a vicious way of helping the agriculturist. That is not the right thing. We know it very well. Those who have got anything to do with legal cases know that very well. People who own property worth Rs. 10,000 and Rs. 20,000 come forward with long petitions in the courts of insolvency. I wish to know whether in any other civilised country it is possible for such a man to get the benefit of insolvency law. That is the proposition which I place before this Council. In England or in other countries, such a person would not dare to come anywhere near the doors of the insolvency court. Now what provision have you made to prevent such people owning large properties coming near the insolvency courts?

The Honourable Mr. D. J. Boyd : Can they go to the insolvency court?

Mr. Nanak Chand Pandit : Every day they do.

The Honourable Mr. D. J. Boyd : They cannot.

Mr. Nanak Chand Pandit : You study some of the records that are to be seen in the High Court and other courts.

The Honourable Mr. D. J. Boyd : The Bill puts a limit on the property held by a debtor who seeks the benefit of summary procedure without excluding land.

Mr. Nanak Chand Pandit : I say there must be a change in the Land Alienation Act. You really give protection by showing a door to these people to become dishonest by not changing the definition of land in the Land Alienation Act. Then with regard to the Usurious Loans Act, I am in sympathy with those members who do not want to fix a very heavy rate of interest. I am one of those who think that a rate of 15 or 24 per cent. is a heavy rate of interest. No man should be permitted to exact such a heavy rate of interest. I am in sympathy with those people who want to deal with the Usurious Loans Act. But you should only amend it when other honest methods have been tried. When an amendment has been made in the definition of an agriculturist of the Land Alienation Act, it is only then that a person can come and say "you shall not charge 18 or 24 per cent., you shall only charge a reasonable rate of interest." Mr. Darling has gone into this question and he says that the rate of interest has risen higher because of the question of security. The two things hang together; the less the security, the higher the rate of interest. You cannot bring in this Bill unless you amend the other Act. That is a suggestion which I would respectfully make to those who are now dealing between man and man. If you say that you cannot amend the other Act, you cannot insist that the rate of interest should not be higher. As I say I am in sympathy with the proposal that lowers the rate of interest and here it is a case not only of a money-lender, belonging to a non-agriculturist tribe being the sinner, but the agriculturist money-lender himself is the greatest sinner in this respect. I just want to give an example to my friends there. He is always talking of agriculturist tribes. The other day I had a case of a Jat money-lender, the money lent by him being Rs. 28 and the court gave him a decree of Rs. 2,500. The money-lender came to me. He belonged to the Hissar district and he said I want my money. As a lawyer I could not refuse the case, as if I did so it would have been professional misconduct. The case was taken to the High Court and the judges gave a decree for Rs. 7,000.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Who were the judges ?

Mr. Nanak Chand Pandit : There were two judges, one a European and the other an Indian.

At this stage the Council adjourned till 2 P. M. on Monday, the 29th October 1934.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Monday, 29th October 1934.

The Council met at the Council Chamber at 2 P.M. of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

LALA BASANT LAL, CANDIDATE FOR SUB-JUDGES' EXAMINATION.

✓*3846. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state—

- (a) whether a gentleman of the name of Lala Basant Lal Aggarwal was among the first seven successful candidates in the examination of sub-judges held this year ;
- (b) whether it is a fact that this gentleman passed his LL.B. examination in the second division ;
- (c) whether it is a fact that only zamindars who pass their LL.B. examination are allowed to sit for the test examination ;
- (d) whether Lala Basant Lal was allowed to take the examination as a zamindar ; if so, what is his place of birth ; what is the amount of annual land revenue which he or his father pays ; what is the income-tax, if any, which he or his father or his family pays ;
- (e) if he was allowed to sit for the examination as a nominee of the Honourable Judges of the High Court ; whether he is a member of the ministerial establishment of the High Court, or is related to a judicial officer or belongs to a tribe which is under-represented in the cadre of sub-judges ?

Mr. C. C. Garbett (Chief Secretary) : (a) and (b) Yes.

(c) No ; all who pass the LL.B. examination in the 1st class, all zamindar LL.Bs. of the 2nd class, and any other non-zamindar LL.Bs. of the 2nd class whose rolls are sent for by the Judges, are allowed to sit.

(d) First part. No ; remainder do not arise.

(e) His roll was sent for by the Honourable Judges and he was permitted to appear in the examination. The answer to the remainder of this question is in the negative.

✓ CANDIDATES FOR SUB-JUDGES' EXAMINATION.

*3847. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state :—

- (a) whether it is a fact that any Honourable Judge of the High Court is entitled to call for the name of any individual, without assigning any reasons, as a candidate to be permitted to sit for the examination of sub-judges, provided he is an LL.B. ;

[R. B. Chaudhri Chhotu Ram.]

- (b) in respect of how many candidates the power referred to in (a) has been exercised during 1927—34 (both years inclusive) ;
- (c) how many of the candidates referred to in (b) were statutory agriculturists ;
- (d) whether the power referred to in (a) has ever been used for the benefit of a statutory Hindu agriculturist during the last seven years ?

Mr. C. C. Garbett (Chief Secretary) : (a) The Judges of the High Court may do so.

(b) The qualifying examination was introduced in 1928. The total number of rolls called for by the Judges from 1928 to 1934 is 116.

(c) I regret our records do not give this information and the cost of collecting it appears to Government to be incommensurate with the value of the results that would be obtained.

(d) No. The attention of the honourable member is invited to rule 4 (c) of the rules relating to the appointment of subordinate judges in the Punjab, as corrected up to 1st June 1934.

OFFICIAL RECEIVERS.

✓*3848. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state the number of Hindus, Muslims and Sikhs among Official Receivers and the number of statutory agriculturists under each head ?

The Honourable Mr. D. J. Boyd :

Hindus	..	..	..	..	..	10
Muslims	..	..	..	..	..	6
Sikh	..	..	..	..	..	1

Information regarding the number of statutory agriculturists is being collected and will be supplied to the honourable member when received.

AUCTION OF PROPERTY ATTACHED IN EXECUTION OF DECREES.

✓*3849. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state :—

- (a) the number and names of the private firms which have been given the monopoly of auctioning property attached in execution of decrees ;
- (b) whether the same experiment was tried in some of the districts of the Punjab some years ago and was discontinued as a failure ;
- (c) if the suggestion contained in (b) is correct the reasons which led to the revival of the practice once tried and found unsatisfactory ?

The Honourable Mr. D. J. Boyd : (a) Nineteen—their names are given in the statement laid down on the table.

(b) The experiment was tried in two districts, viz., Ferozepore and Ludhiana where it proved very successful, and it was, therefore, continued and extended to other districts in this province and Delhi.

(c) Does not arise.

Statement.

District.	Name.
1. Ambala	(1) Messrs. Norton & Co. (2) Messrs. Shankar Das-Ganga Ram.
2. Simla	Messrs. G. D. Khanna.
3. Kangra	Messrs. Noroji & Sons.
4. Jullundur	Messrs. Gopal Sahai & Sons.
5. Ludhiana	Ch. Tilak Ram.
6. Ferozepore	L. Harbans Lal.
7. Lahore	Messrs. Jamsetji & Sons.
8. Amritsar	Messrs. Rai Sahib Rattrra and Ram Das Kapur.
9. Gurdaspur	Messrs. Gurcharan Das-Daulat Ram.
10. Sialkot	Firm Bhagwan Das-Bishan Das.
11. Gujranwala	Rai Sahib Sant Ram Brothers and Bhag Shah Company.
12. Rawalpindi	Messrs. Dadabhoj & Co.
13. Montgomery	Messrs F. J. King & Co.
14. Lyallpur	Messrs. Malawa Mal-Diwan Chand.
15. Multan	1. Messrs. Tola Ram Manuja & Co. 2. Messrs. M. G. Chowdry.
16. Muzaffargarh	Bawa Narindar Singh Bedi.
17. Dera Ghazi Khan	Messrs. Jiwanji Ebrahim & Sons.

REGULATION OF ACCOUNTS ACT.

✓*3850. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state whether any case in which the provisions of the Regulation of Accounts Act have been applied has come to the notice of the High Court or any District Judge in the Punjab ?

The Honourable Mr. D. J. Boyd : Yes. It is regretted that details of the number of cases are not available.

ALIENATION OF AGRICULTURISTS' LAND.

✓*3851. **Rao Bahadur Chaudhri Chhotu Ram** : With reference to question No. 3877¹ and the answer thereto will the Honourable Member for Revenue kindly supply the information asked for for the five years' period ending on the 15th June 1934 ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan :

Hissar (a) and (b) Nil.

(c) Does not arise.

Rohtak (a) Five.

(b) Three.

(c) No illegality was detected in three out of the five cases mentioned in (a). The remaining two cases and the cases mentioned in (b) have been returned to the civil courts for reconsideration.

I may add for the information of the honourable member that the procedure regarding the auction of the period of *mustajri* was introduced in December 1932. The figures, therefore, relate to the period after 1932.

SPECIAL PAY AND ALLOWANCES.

✓*3852. **Rao Bahadur Chaudhri Chhotu Ram** : With reference to question No. 3262¹ and the answer thereto, will the Honourable Finance Member kindly state :—

- (a) whether a reference with regard to the special allowances and special pay in question has ever been made to the Government of India ;
- (b) whether the relevant figures were not calculated and alluded to in the reference, if any, made to the Government of India ;
- (c) whether Government has any objection to placing on the table of the House any figures which it may have used in its reference, if any, to the Government of India ?

The Honourable Mr. D. J. Boyd : (a) No.

(b) and (c) Do not arise.

LEAVE RULES.

✓*3853. **Rao Bahadur Chaudhri Chhotu Ram** : With reference to question No. 3267² will the Honourable Finance Member kindly state :—

- (a) whether Government has any objection to placing on the table of the House the correspondence which has passed between itself and the Government of India together with the reply, if any, of the Secretary of State on the subject of the modification of the present rules of leave ;
- (b) whether Government has received any reply so far, and if not, whether it has sent a reminder ;
- (c) the date of the original representation ?

The Honourable Mr. D. J. Boyd : It is not in the public interest to disclose correspondence with the Government of India and I regret that it is not possible to place the papers on the table.

DIRECT RECRUITMENT IN PUNJAB CIVIL SECRETARIAT.

✓*3854. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state—

- (a) the number of appointments made by means of direct recruitment in the Punjab Civil Secretariat in 1929, 1930, 1931, 1932, 1933 and 1934, respectively ;
- (b) the total number of appointments referred to in (a) which went to Hindus, Muslims and Sikhs ;
- (c) how many of the Hindus, Muslims and Sikhs appointed were statutory agriculturists ?

Mr. C. C. Garbett (Chief Secretary) : The information required is contained in the subjoined statement.

¹Page 24 ante.

²Page 27 ante.

Number of appointments made in the Civil Secretariat communitywise since 1929.

Year.	HINDUS.		MUSLIMS.		SIKHS.		Christians.	TOTAL.		Statutory Agriculturalists included in column 6.
	Agriculturist.	Non-Agriculturist.	Agriculturist.	Non-Agriculturist.	Agriculturist.	Non-Agriculturist.		Columns 2 to 8.	Columns 2 to 7.	
1	2	3	4	5	6	7	8	9	10	11
1929	..	5	10	1	1	1	3	21	18	11
1930	1	3	3	..	..	2	2	11	9	4
1931	..	..	..	..	..	1	..	1	1	..
1932	..	2	5	2	2	2	2	15	13	7
	..	1	..	..	1	..	..	2	2	1
1933	..	5	3	2	..	..	..	10	10	3
	..	1	1	..	1	..	1	4	3	2
1934	..	2	5	2	..	1	1	11	10	5

(a) Direct recruitment

(b) Retrenched personnel re-employed.

(a) Direct recruitment

(b) Retrenched personnel re-employed.

NAL-CHAH IN SONEPAT AND JHAJJAR TAHSILS.

✓*3855. **Rao Bahadur Chaudhri Chhotu Ram** : With reference to question No. *8278¹ and the answer thereto, will the Honourable the Member for Revenue kindly state :—

- (a) the date on which a question on this subject was first asked ;
- (b) the approximate time within which, having regard to considerations of efficiency, Government expects a question of this nature to be finally settled by its officers ;
- (c) the total amount of money refundable to the owners of wells if the whole amount collected in respect of the wells which have been out of use successively for five years or more is ordered to be refunded ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) The question is difficult to answer inasmuch as the honourable member does not limit his enquiry to this Council nor to any particular questioner therein. The first question asked by the honourable member himself in this Council appears to be no. *584² to which a reply was given on 1st May 1931.

(b) Circumstances vary so much that it is impossible to estimate the period of such inquiries even approximately.

(c) It is not clear whether the honourable member's enquiry refers to the two wells of the Jhajjar tahsil mentioned in the reply to Council question No. *8278¹ as being entitled to remission of *nal-chah* or to any others. If he will specify the area for which he is making the enquiry an attempt will be made to collect the information for him.

DRAIN NEAR ASAUDAH.

✓*3856. **Rao Bahadur Chaudhri Chhotu Ram** : With reference to question No. 3280³ and the answer thereto will the Honourable Revenue Member kindly state :—

- (a) whether Government considers the reply given by the Superintending Engineers as reasonable ;
- (b) whether in answering a question Government considers its duty sufficiently discharged if it says it " has no information " while it is open to it to make enquiries and collect the information asked for if it is not already in possession of that information ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Yes. It is impossible to provide each village whose land is intersected by the drain with a bridge. Crossings were provided at reasonable intervals apart when the drain was originally constructed. The policy since has been that villagers requiring special crossings should themselves pay for them.

(b) The answer to this question depends upon the circumstances of each case. In the case under reference, Government satisfied themselves that the Superintending Engineer had gone into the case and had reached a reasonable decision.

¹Page 31 ante.

²Volume XIX, page 23.

³Pages 31-32 ante.

DISTRICT BOARD, ROHTAK.

*3857. **Rao Bahadur Chaudhri Chhotu Ram** : With reference to question No. 8288¹ and the answer thereto, will the Honourable Minister for Local Self-Government kindly :—

- (a) lay on the table of the House a copy of the resolution of the district board saying that " Rs. 2,000 were given by the board for the purchase of a lorry in the interest of the girls of the neighbouring villages " ;
- (b) state whether any girls from neighbouring villages have ever attended the girls school at Rohtak as day scholars ;
- (c) state whether this lorry has ever been used to fetch or convey any girls from any village, and if so, what are the names of those villages and their distances from Rohtak ?

The Honourable Dr. Gokul Chand Narang : (a) A copy of the resolution (No. 83, passed by the District Board on the 21st March 1931) is laid on the table.

(b) No.

(c) No.

Copy of a resolution No. 83 passed by the District Board, on the 21st March 1931.

Point discussed.	Resolution passed by the Board.
(83) Inspector of Schools' Demi-official No. 144-C., dated the 25th February 1931, asking for a gift of lorry for Girls Schools from District Board. The District Board will be doing a great service to the cause of girls' education by making this gift. The District Inspector of Schools recommends that as the District Board has received a handsome grant that allows expenditure for the purchase of equipment and other things, the sum of Rs. 2,000 can very easily be allotted out of this head. The gift will benefit girls of neighbouring villages.	Sanctioned.

B CLASS PRISONERS.

*3858. **Kanwar Mamraj Singh Chohan** : Will the Honourable Finance Member be pleased to state—

- (a) how many B class prisoners there are at present in jails as convicted prisoners ;
- (b) how many of them have been allowed the use of writing material ;
- (c) how many of them asked for such material and were not given such material within the past financial year ;
- (d) the standing instructions of the Government on the subject ;
- (e) whether Government has been pleased to consider the question of supplying writing material to all these prisoners ?

The Honourable Mr. D. J. Boyd : (a) Seventy-two.

(b) Five.

(c) One.

(d) There are no instructions on the subject. Each application for writing material is considered on its merits with special regard to the individuality of the prisoner and the purpose for which the writing material is required.

(e) No. Each case will be considered on its own merits.

CHANDER KISHORE, A CIVIL PRISONER OF 1929.

***3859. Lala Chetan Anand :** Will the Honourable Finance Member be pleased to state—

(a) whether it is a fact that Chander Kishore, a civil prisoner of 1929, in the District Jail, Multan, submitted applications for sanction of prosecution of officers of District Jail, Multan, for his then malicious wrongful confinement in the cell ;

(b) whether any enquiry has been made into the serious allegations contained in the application ;

(c) if not, what led to the causes of so much delay in the enquiry ;

(d) whether the Government will place on the table all the correspondence and papers relating to that enquiry ;

(e) whether it is a fact that due to delay in the result of enquiry the said civil prisoner had to resort to apply to the Civil Court to allow enquiry on the last day to avoid litigation ;

(f) when the enquiry is expected to be complete ;

(g) whether Government intends to hold judicial enquiry into the alleged offences and serious allegations ?

The Honourable Mr. D. J. Boyd : (a) Chander Kishore did apply for permission to prosecute certain jail officers but this was not granted by Government.

(b) and (f) An enquiry was made and the allegations made were found to be false.

(c) Does not arise.

(d) The Government are not prepared to lay on the table the proceedings of the enquiry as such a procedure would not be in the public interest.

(e) No delay occurred in making an enquiry into the allegations.

(g) No.

IMPERIAL CHEMICAL INDUSTRIES (INDIA), LIMITED.

***3860. Sardar Sahib Sardar Ujjal Singh :** Will the Honourable Member for Revenue kindly state—

(a) whether he is aware of the negotiations being carried on with the Government of India by the Imperial Chemical Industries (India), Limited, for obtaining concessions in connection with the waste products in the Punjab salt mines ;

(b) whether the Punjab Government was at all consulted in the matter ;

(c) whether the Punjab Government has explored the possibilities of manufacturing chemical products from such waste products of salt mines in the province ; if not, whether Government intends to do it now to encourage indigenous concerns for the purpose ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (b) Yes.

(c) It is considered that such exploration is for private industrialists, rather than for Government, to undertake.

ADMISSION TO THE BISHOP COTTON AND OTHER EUROPEAN SCHOOLS
IN SIMLA.

***3861. Sardar Sahib Sardar Ujjal Singh :** Will the Honourable Member for Finance please state—

(a) whether the admission for Indian boys to the Bishop Cotton and other European schools in Simla is limited ; if so to what extent ;

(b) whether any rules and regulations exist in connection with uniform for boys ?

The Honourable Mr. D. J. Boyd : (a) Yes, to the extent of 15 per cent. of the total number of pupils or such other percentage as the Department may prescribe by special order for any particular school or place. But with the sanction of the Director of Public Instruction, Indian Christians and Indians whose vernacular language is not a local vernacular may be treated as Europeans up to a maximum of 10 per cent. of the total enrolment of the school.

(b) Government has not laid down any rules but all the schools, with one exception, have framed rules of their own.

ADMISSION OF SIKH BOYS IN THE BISHOP COTTON SCHOOL.

***3862. Sardar Sahib Sardar Ujjal Singh :** Will the Honourable Member for Finance please state whether he is aware of the fact that Sikh boys of leading aristocratic families have been refused admission in the Bishop Cotton School, Simla, on the pretext of objectionable head dress ; if so, whether he is prepared to issue instructions that Sikh boys—being bound to wear turban as a religious principle—should not be refused admission in these European schools on such grounds ?

The Honourable Mr. D. J. Boyd : There are no rules and regulations existing in connection with uniform for boys in this school except that " Indian boys can only be admitted on the undertaking that they can conform in all things (except religious worship) to European customs and habits. No married boys can be admitted, nor will any boy be retained in the school after marriage."

CO-OPERATIVE SOCIETIES AND UNIONS IN THE HOSHIARPUR DISTRICT.

***3863. Sardar Arjan Singh :** Will the Honourable Minister for Agriculture kindly state—

- (a) the number of co-operative societies and unions in the Hoshiarpur district ;
- (b) the amount of capital deposited and contributed by share-holders and others communitywise ;
- (c) the number of sub-inspectors and inspectors recruited from the district during the last five years ;
- (d) whether it is a fact that persons related to the members and presidents of the societies only are recruited, and that other zamindar boys of much higher qualifications are not entertained and the posts have thus become a class preserve for a few individuals to the entire exclusion of other zamindar boys of the district ;
- (e) whether it is a fact that within two or three years orders have been passed that no Sikh belonging to the Hoshiarpur district should be recruited either as a sub-inspector or an inspector in the Co-operative Societies Department ;
- (f) whether it is a fact that this order has worked the greatest hardship on the Sikh candidates of the district who have been passed over by candidates of much lower qualifications belonging to other communities ;
- (g) whether it is a fact that the Sikhs of the district have made the highest contributions to the funds of the co-operative societies in men and money ;
- (h) if the reply to (e) and (f) be in the affirmative, whether Government intends to recall such orders and consider the cases of Sikh candidates of the Hoshiarpur district ?

The Honourable Sardar Sir Jogendra Singh :

(a) Total number of societies	..	..	1,404
Total number of unions	..	..	14
(b) Total deposits, Rs.	..	..	37,59,285
Share capital, Rs.	..	..	10,14,756

Information in regard to these figures is not maintained community-wise.

(c) Inspector	..	..	1
Sub-Inspectors	..	..	19

(d) No. But preference is certainly given to the sons and near relatives of good co-operators.

(e) No such order has been passed.

(f) Does not arise.

(g) Probably they have made the largest contributions in the Hoshiarpur district, but records are not maintained by communities.

(h) Does not arise. I will, however, make enquiries.

MAGISTRATES, 1ST CLASS, IN THE HOSHIARPUR DISTRICT.

***3864. Sardar Arjan Singh :** Will the Honourable Finance Member kindly state—

- the number and names of the magistrates, 1st class, in the Hoshiarpur district including the Additional District Magistrate, but excluding the District Magistrate;
- the number of cases decided by each one of them during the last six months (April to September 1934);
- the number of appeals and revision petitions preferred from the orders of each one of the magistrates referred to in (a) during the period mentioned in (b);
- the number of appeals and revision petitions accepted from the orders of the magistrates referred to in (a) during the period mentioned in (b)?

The Honourable Mr. D. J. Boyd : It is not the practice to give names in such cases. A statement showing the other required information is laid on the table.

Statement showing criminal cases disposed of in the Hoshiarpur district, during the period April to September 1934.

PART (a).	PART (b).	PART (c).		PART (d).	
		Number of petitions preferred.		Number of petitions accepted.	
		Appeals.	Revisions.	Appeals accepted.	Revisions accepted.
1st Class Magistrates.	Number of cases decided.				
(1) Additional District Magistrate	71	29	10	15	..
(2) Magistrate, 1st Class (A) ..	110	20	2	5	..
(3) Magistrate, 1st Class (B) ..	138	32	5	20	1
(4) Magistrate, 1st Class (C) (from 1st April 1934 to 17th September 1934).	29	9	2	5	..
(5) Magistrate, 1st Class (D) (from 18th to 30th September 1934).	1	..	..	..	..

In addition the two Revenue Assistants are Magistrates of the 1st Class but they disposed of no criminal work during this period.

CENTRAL TRAINING COLLEGE.

***3865. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education please state—

- the number of agriculturists communitywise, who passed the Senior Anglo-Vernacular and the Bachelor of Training examinations from the Central Training College, Lahore, since the year 1930;

[R. B. Lala Sewak Ram.]

- (b) how many of them, communitywise, applied to the various divisional inspectors for posts in Government schools or in the inspecting line and how many of them have been appointed ;
- (c) how many of them, communitywise, applied to the Director of Public Instruction for posts in Government colleges and how many of them have been appointed ?

The Honourable Malik Sir Firoz Khan Noon : The requisite information is being collected and will be supplied to the honourable member when ready.

CENTRAL TRAINING COLLEGE.

***3866. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education kindly state—

- (a) the number of depressed class students who passed the Senior Anglo-Vernacular or Bachelor of Training examinations from the Central Training College, Lahore, since the session 1930-31 ;
- (b) the number of those who were registered as candidates in the Divisional Inspectors' offices for appointment in Government schools or inspecting line ;
- (c) the number of those taken in service ?

The Honourable Malik Sir Firoz Khan Noon : The required information is being collected and will be supplied to the honourable member when ready.

DIVISIONAL AUDITOR, RAWALPINDI.

***3867. Rai Bahadur Lala Sewak Ram :** With regard to his reply to Council question No. 860¹, asked on the 26th June 1934, will the Honourable Minister for Education kindly state—

- (a) whether it is a fact that the name of Mr. Anwar Hussain was recommended by the Accountant-General when he was requested by the Director of Public Instruction that a Muslim was needed as an auditor ;
- (b) whether it is a fact that the Currency Office is not under the Accountant-General and so he could not have any knowledge about the work of M. Ijaz Nabi Khan ;
- (c) when and where Mr. Ijaz Nabi Khan got experience as an auditor and for what period ;
- (d) in what grade M. Ijaz Nabi Khan was in the Currency Office at the time of his selection and in what grade he was taken in the Education Department ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) The application of M. Ijaz Nabi Khan was sent to the Accountant-General, Punjab, for advice with a view to ascertaining whether the man was fit for the post of an auditor as he (the Accountant-General, Punjab), is considered to be the proper authority in the matter. The Accountant-General, Punjab, reported that M. Ijaz Nabi Khan was considered by the head of his office as fit for the post in question.

(c) M. Ijaz Nabi Khan worked as an auditor in the Pay and Accounts Office, Peshawar, from the 19th May 1929 to the 10th November 1931 in the grade of Rs. 50—6—140/5—200.

(d) In the Currency Office M. Ijaz Nabi Khan was in the Rs. 45—8½—80/3—110 grade and in the Education Department he was taken in the Rs. 100—5—180/10—250 less 15 per cent. cut, i.e., Rs. 85—5—165/10—235 grade. It is also added for the information of the honourable member that the remaining four auditors working in the Education Department were in the Rs. 50—6—140/5—200 grade in the office of the Accountant-General, Punjab. Two of them were taken in the Education Department in the Rs. 100—5—180/10—250 grade and the other two in the Rs. 150—5—180/10—250 grade.

ZILLADAR, SECTION ARGAN, GUJRANWALA DIVISION.

***3868. Chaudhri Riasat Ali:** Will the Honourable Revenue Member please state—

- (a) whether the zilladar, section Argan, Gujranwala division, is expected to live at Nurpur Canal Rest House;
- (b) whether the present zilladar of this section resides at Killa Didar Singh;
- (c) whether his three predecessors also lived at Killa Didar Singh which is a place 5 miles away from the headquarters;
- (d) whether any amount was deducted from their pay as rent of the quarters in which they were expected to reside but did not actually reside;
- (e) if so, the period for which the amount was deducted;
- (f) whether it ever ceased to be so deducted;
- (g) if so, why;
- (h) whether the deduction had ever been revived;
- (i) if so, why;
- (j) whether a similar deduction is being made from the pay of the present zilladar and his munshi for the last four years;
- (k) if so, why, when their predecessors lived in the same place in private buildings paying rent from their own pockets and with the implied consent of the authorities concerned;
- (l) the reasons why the munshi is being penalised when he is expected to live in a place where the zilladar resides for the proper discharge of his duties;
- (m) whether any notice has ever been served on the munshi to the effect that he should reside at the headquarters even though the zilladar did not live there, that in case of failure to do so he would be liable to pay the rent for the vacant quarter;
- (n) if not, why not;
- (o) whether in view of the above, the Government is prepared to reconsider the matter?

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

(b) No.

(c) No.

(d) Yes.

(e) Rent recovered from 1st April 1930 to 1st November 1931.

[Hon. Sir Sikander Hyat-Khan.]

- (f) Yes, after 1st November 1931.
- (g) The zilladar in charge of the Argan section was allowed rent free quarters owing to reduction of pay below Rs. 50 due to 10 per cent. cut.
- (h) Yes.
- (i) When a zilladar drawing higher pay was transferred to the section.
- (j) No, the rent is being recovered from the present zilladar from 16th October 1933, the date he joined the section, and from the munshi for 1½ years.
- (k) There is no record of any permission being given to the present zilladar and his munshi to reside at Killa Didar Singh and leave the quarters provided for them at Narpur unoccupied.
- (l) When quarters are provided for the munshi he is expected to live in them and pay rent for them.
- (m) and (n) Notice is not necessary, the munshi and zilladar lived in Killa Didar Singh without permission or without bringing to the notice of his officers that they were doing so.
- (o) No action is called for.

COMPLAINTS AGAINST POLICE OFFICERS.

***3869. Chaudhri Riasat Ali :** Will the Honourable Finance Member please state—

- (a) whether there is a circular to the effect that all complaints before magistrates, against police officers, should be sent to the Superintendent of Police in the first instance for enquiry under section 202, Criminal Procedure Code ;
- (b) if so, whether it will be placed on the table ;
- (c) whether the magistrates are debarred from issuing any process against such officers otherwise ;
- (d) if so, the reasons justifying the existence of such circular ;
- (e) whether the Government is prepared to rescind this circular ?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) Government are not prepared to place on the table correspondence with their officers.

(c), (d) and (e) The instructions contained in the circular have been modified. It is often expedient that complaints against the Police should be sent for enquiry to the Superintendent of Police and while magistrates are not directed by Government to do so, they are invited to consider the advisability of taking such action.

COMPLAINT AGAINST KHAN SAHIB DR. NOOR MUHAMMAD
OF LUDHIANA MUNICIPAL COMMITTEE.

***3870. Chaudhri Riasat Ali :** Will the Honourable Minister for Local Self-Government kindly lay on the table the following :—

- (a) a written complaint, dated 6th July 1934, by Khwaja Muhammad Akram, Member, Ludhiana Municipal Committee, addressed to the President of that committee containing serious allegations committed by Khan Sahib Dr. Noor Muhammad, a nominated member of that committee in abuse of his position as a member ;

(b) resolution No. 542 passed unanimously in a general meeting of Ludhiana Municipal Committee held on the 21st September 1934, upholding the allegations contained in the complaint referred to in (a) above, and recommending to the Local Government that the said Khan Sahib Dr. Noor Muhammad be removed from membership under section 16 (e) of the Punjab Municipal Act ?

(c) Will the Honourable Minister for Local Self-Government kindly state what action, if any, has been taken or is contemplated in respect of the complaint and the resolution mentioned in the preceding question ?

The Honourable Dr. Gokul Chand Narang : (a) and (b) An English translation of the complaint lodged by Khwaja Muhammad Akram and a copy of resolution No. 542 passed by the Municipal Committee of Ludhiana on the 21st September 1934 are laid on the table.

(c) The case is under examination by the Deputy Commissioner, Ludhiana, from whom Government expect to receive a report in due course.

English translation of an application dated the 6th of July, 1934, from Khwaja Muhammad Akram, Municipal Commissioner, Ludhiana, to the address of the President, Municipal Committee, Ludhiana.

I beg to state that some of the residents of the City came to me and complained that all houses, which Khan Sahib Dr. Noor Muhammad, a nominated member of the Municipal Committee, Ludhiana, has constructed in Mohalla Iqbal Ganj and Mohalla Takia Saraj Garan just after his retirement from Government service, are against the plans sanctioned by the Municipal Committee, Ludhiana, and that he is acting against the bye-laws of the Municipal Committee continuously. Repeated applications have been submitted against him to the municipal officers. As he is a member of the Municipal Committee, no legal action has so far been taken against him. It appears that these applications are thrown in the waste paper basket and the member is not prohibited from taking illegal advantage of his office. They informed me about two more violations of the bye-laws made by him, which are noted below. Investigation be made and action be taken—

- (1) He has constructed 4 or 5 *tharis* without permission and against the Committees bye-laws in front of his house situated in Mohalla Saraj Garan.
- (2) The Executive Officer of the Municipal Committee, Ludhiana, while patrolling the city noticed on the 12th of May, 1934, *malba* stacked on about 200 feet of the municipal land in front of the stable of Dr. Noor Muhammad in Mohalla Iqbal Ganj about which he made a report, but nothing was recovered from him and the papers were filed.

LUDHIANA MUNICIPALITY.

Copy of Resolution No. 542, passed at an adjourned Ordinary Meeting of Ludhiana Municipal Committee, held on 21st of September, 1934, in the Town Hall.

542. Read complaint of Mansa Ram Kalsi of Mohalla Rupa Mistri against Khan Sahib Dr. Noor Muhammad, Municipal Commissioner, for erecting his house and *tharis* against the sanctioned plans and without permission in Mohalla Iqbal Ganj and Takia Shah Asghar on which the Vice-President ordered to put up all the files regarding him including the one which was pending with the Executive Officer as a notice under section 172/195, Municipal Act, for erecting *tharis* without permission had been issued. In this connection an application was also received from Khwaja Muhammad Akram by the President which is on the file and which complains of erection of houses and *tharis* by Dr. Sahib against the sanctioned plans and stacking of *malba* without permission on the Committee's land. The Vice-President after inspecting the site in company of the Secretary and the overseer reported that it was ascertained that the *tharis* and *pullis* were constructed nearly a fortnight ago. The allegations contained in the application are found to be true and Khan Sahib Dr. Noor Muhammad seems to have built them without

[Hon. Dr. Gokul Chand Narang.]

requisite permission. It is a serious matter, more so, because the gentleman contravening the provisions happened to be a nominated member of Municipality. All the files, concerning Dr. Noor Muhammad should be placed before the Committee in its next meeting, with application of Khan Sahib Dr. Noor Muhammad in reply to notice served on him on 30th June 1934 under section 172/195 that the plan of *tharis* submitted by him early in May 1934 was sanctioned. The plan was duly passed by the Health Department and overseer and it was not against by-laws of the Committee. As delay occurred and no order was received from the Municipality he personally presented the case to the President, Khwaja Muhammad Eusoof, who verbally ordered him to construct the *tharis*. Letter received from Mansa Ram Kalsi and Dr. Noor Muhammad were also read before the House.

Proposal of Khwaja Muhammad Azam seconded by Pandit Muni Lal Kalia.

(1) Dr. Noor Muhammad, a nominated member of the Committee, applied for an erection of a house in Mohalla Saraj Garan on 15th February 1932 but as is evident from the report of the overseer he erected it against the sanctioned plan and thus knowingly and openly violated the law. He also erected some *tharis* in front of his house without permission and without any agreement, by means of which he has not only violated the law but has also made the Committee to suffer monetary loss and gained his own object. From the measurements of the *tharis* which were erected with permission it will appear that they have been erected 5 feet long instead of 3 feet. The list is as follows:—

(1)	One <i>Thari</i>	..	..	..	..	6 feet 10 inches.
(2)	Ditto	..	..	..	..	4 feet.
(3)	Ditto	..	..	..	..	5 feet.
(4)	Ditto	..	..	..	..	4 feet.
(5)	Ditto	..	..	..	..	5 feet.
(6)	Ditto	..	..	..	..	4 feet.
(7)	Ditto	..	..	..	..	2 feet 7 inches.

His residential house situated in Mohalla Iqbal Ganj has been erected and is being erected contrary to the sanctioned plan. Sanction was obtained on 10th March, 1932.

One house (stable) situated in Mohalla Iqbal Ganj has also been constructed against the sanctioned plan. Besides he has erected two *tharis* and one *pulli* without permission of the Committee and without any agreement. The application for the erection of the house which has been erected against the sanctioned plan was made by him on 27th February 1934.

Besides these irregularities Dr. Noor Muhammad has also erected a *barhao* in contravention of the law in Mohalla Saraj Garan. This site was inspected by the Vice-President, Lala Sant Das deputed for the purpose,—vide resolution No. 384, dated the 19th July 1933, who made a detailed report on 27th July 1933 and remarked therein that since Khan Sahib Dr. Noor Muhammad has expressed regret the case be compounded on receipt of Rs. 20 from him and the case be laid before the Committee but this has never been laid before the Committee and the case has been filed.

Keeping these facts in view the Committee is of opinion that he has abused his position as a member and therefore the Local Government should be requested to take action against him for dismembering him under section 16 (e) of the Municipal Act. The action on the part of a nominated member is regrettable. The Executive Officer should after dealing with all the irregularities make a detailed report to the Committee.

The Note that has been given by Dr. Noor Muhammad about the President, i.e., that he erected the house with his verbal permission is meaningless. A member of the Committee ought to know that the President or the Committee have no power to sanction applications for erection of houses as this power is vested in the Executive Officer alone. Besides on enquiry from the President in the open house it has been ascertained that this statement is entirely wrong and it is a mere concoction of Dr. Sahib in order to save himself from the grip of the law.

Resolved unanimously that the proposal of Kh. Muhammad Azam is carried.

True copy.

(Sd.) (Illegible),

Secretary, Municipal Committee, Ludhiana.

LINE SUPERINTENDENT.

*3871. Chaudhri Afzal Haq : Will the H Local Self-Government please state—

(a) whether six Muslim Line Superintendents have recently been appointed ;

(b) if the reply to (a) above be in the affirmative,—

(i) the names of the Muslim Line Superintendents said to have been appointed, together with the dates of appointment of each,

(ii) the number of Muslim Line Superintendents in Electricity Branch on 1st April 1934 and 22nd September 1934 ?

The Honourable Dr. Gokul Chand Narang : (a) Six Muslims were offered appointment as Line Superintendent between February and September 1934. Five accepted the offers and joined service. The sixth did not care to acknowledge receipt of the offer.

(b) (i) Muhammad Iqbal Choudhary .. Offer not acknowledged.

Haidar Ali Khan 24-2-34

S. A. Khan 20-7-34

F. R. Ghani 12-8-34

Mohamed Yakub 1-9-34

Nazir Ahmad Chisti 6-9-34

(ii) 1-4-34 11

22-9-34 12

GORAYA-PHILLAUR PROJECT, ELECTRICITY BRANCH.

***3872. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please lay on the table a statement showing—

(a) the total number of gazetted and non-gazetted posts sanctioned for the Goraya-Phillaurl Project of the Electricity Branch ;

(b) the total number of posts held by members of different communities up to 30th September 1934 ?

The Honourable Dr. Gokul Chand Narang : (a) and (b) A statement giving the required information is laid on the table.

Statement.

	Total number of sanctioned posts.	POSTS HELD BY COMMUNITIES UPTO 30TH SEPTEMBER 1934.				REMARKS.
		Hindus.	Sikhs.	Muslims.	Others.	
<i>Gazetted.</i>						
Local Manager, Grade I ..	1	1	..	..	..
<i>Non-Gazetted.</i>						
Clerks	3	1	..	1	..	One vacant.
Assistant Store-keeper ..	1	..	..	..	1*	*A member of the depressed classes.
Line Superintendents ..	4	2	1	..	1	
Overseers	2	1	..	1	..	

HARBANS LAL, CLERK, ELECTRICITY BRANCH.

***3873. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please state—

(a) whether it is a fact that one Harbans Lal, clerk in the scale of 35—70, was appointed as a cashier on the permanent operating staff of the Electricity Branch and subsequently was promoted to the post of a clerk and then to the post of senior clerk in 40—105 grade ;

(b) if the reply to (a) above is in the affirmative, whether he was senior to all the cashiers and clerks serving in the Branch ;

(c) if reply to (b) above be in the negative, the reasons for promoting Harbans Lal over the heads of his seniors and the total number of cashiers and clerks whom he has superseded ?

The Honourable Dr. Gokul Chand Narang : (a) He was appointed cashier on 1st April, 1933 and junior clerk on 12th December, 1933. The pay of these posts is the same. He has been officiating in the 40—105 grade in a temporary vacancy since 18th September, 1934.

(b) He was senior to all the cashiers but was not senior of the junior clerks.

(c) As his present appointment is an officiating appointment only, no question of supersession arises. His educational qualifications are far superior to those of the junior clerks senior to him. No question of the supersession of cashiers arises as he is senior to all the cashiers.

EROSION COMMITTEE.

***3874. Sardar Arjan Singh :** Will the Honourable Revenue Member kindly state—

(a) whether the Government appointed an Erosion Committee ;

(b) what areas were covered by the terms of reference ;

(c) whether the committee have so far made any inquiries ;

(d) whether the Committee have completed the inquiry, and whether they have submitted their report, if so, when ;

(e) whether the Government have taken any action on the recommendations ;

(f) whether the Government propose to lay the report before this House ;

(g) if so, when ; if not, why not ?

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

(b) The low hills of the Punjab.

(c) Yes.

(d) The Committee submitted their report in August 1933 in respect of the districts of Ambala, Kangra and Hoshiarpur.

(e) As a result of the recommendations of the Erosion Committee Mr. Hamilton has been appointed as Forest Officer on special duty in connection with the protection and afforestation work of the Katar Dhar hills in the Ambala and Hoshiarpur districts. The other recommendations of the Committee are under the consideration of Government.

(f) and (g) Three copies of the report have been placed in the Council library for the information of the honourable members.

REMISSIONS IN HOSHIARPUR DISTRICT.

***3875. Sardar Arjan Singh :** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that the whole of the Hoshiarpur district is a *barani* district, and as such crops are absolutely uncertain in that district ;
- (b) whether the Government is aware that zamindars of Dosaj tahsil adopted resolutions praying for a substantial reduction in the land revenue, and submitted copies of resolutions to the Deputy Commissioner, Hoshiarpur, and the Punjab Government ;
- (c) whether the Government have granted remissions to the zamindars of the district ;
- (d) whether the Government propose to relieve the acute situation by granting relief to the zamindars of the Hoshiarpur district ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No.

(b) Yes.

(c) and (d) If the honourable member is referring to special remissions for *rabi* 1934 on account of the fall in prices, these have not been given nor are they proposed to be given because the settlement commutation prices in the Hoshiarpur district were on the whole lower than the prevailing prices.

AUCTION PURCHASERS ON LOWER BARI DOAB COLONY.

***3876. Pir Akbar Ali :** Will the Honourable Member for Revenue kindly state—

- (a) whether any concessions were allowed to the auction purchasers of 1931 on the Lower Bari Doab Colony (districts Montgomery and Multan) ;
- (b) if so, whether these concessions were generally availed of by the said purchasers ;
- (c) if the answer to (b) be in the negative, whether it was not due to the fact that the area auctioned in 1931 was inferior to and less productive than that auctioned in 1925, 1927 and 1928 ;
- (d) whether it is not a fact that at present the zamindars are hard hit owing to the scarcity of water and fall in prices of agricultural produce ;
- (e) if the answer to (d) be in the affirmative, whether Government intends to award the same concessions to the auction purchasers of 1931 as allowed to the purchasers of 1925, 1926 and 1928 ?

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

(b) The orders relating to the concession were issued on 2nd May 1934, and the concession can be availed of till 15th June 1935. The required information cannot, therefore, be supplied at present.

(b) The attention of the honourable member is invited to the answer given to part (e) of question No. *3152¹.

(d) The attention of the honourable member is invited to the answer given to part (e) of question No. *3152.

(e) Does not arise, but the honourable member's attention is invited to the answer given to question No. *3253².

LALA CHOKHA NAND, FISHERIES DEPARTMENT.

***3877. Chaudhri Afzal Haq :** Will the Honourable Minister for Agriculture please lay on the table the recommendations made by the Inspector of Fisheries and other authorities for promotion of Lala Chokha Nand from Deputy Sub-Inspector of Fisheries to Sub-Inspector of Fisheries and state—

(i) whether Lala Chokha Nand is related to the Inspector of Fisheries ;

(ii) whether Lala Chokha Nand is the senior most Deputy Sub-Inspector ?

The Honourable Sardar Sir Jogendra Singh : It is not in the public interest to lay such correspondence on the table.

(i) No. He is connected by marriage.

(ii) No.

LALA CHOKHA NAND, FISHERIES DEPARTMENT.

***3878. Chaudhri Afzal Haq :** Will the Honourable Minister for Agriculture please state—

(a) whether Lala Chokha Nand has been recommended only because of his holding the diploma of intermediate ;

(b) if so, whether it was made clear to all the Deputy Sub-Inspectors of Fisheries at the time of their appointments that their academic qualifications, not seniority, would be considered at the time of their promotion ;

(c) whether the Inspector and Sub-Inspectors have got the above or higher academic qualifications ;

(d) whether no Deputy Sub-Inspector possessing lesser academic qualifications has ever been given a chance of acting as a Sub-Inspector ;

(e) whether no one possessing higher qualification is available for the job of the Sub-Inspector ?

The Honourable Sardar Sir Jogendra Singh : (a) No.

(b) Does not arise.

(c) No, but one of the Sub-Inspectors of Fisheries is an M. Sc.

(d) Deputy Sub-Inspectors of Fisheries with lower educational qualifications have acted for short periods.

(e) None among the Deputy Sub-Inspectors of Fisheries, except one who is B. Sc. (Agri.) and has recently been appointed.

HEAD CLERKS, AGRICULTURAL DEPARTMENT.

***3879. Chaudhri Afzal Haq :** (i) Will the Honourable Minister for Agriculture please state whether it is a fact—

(a) that 22 posts in the grade of 75—125 in the clerical establishment of the sub-offices of the Agricultural Department include two posts of head clerks, the remaining 20 posts being those of Accountants, etc., who are required to work in a subordinate capacity in a certain sub-office ;

(b) that the two posts of head clerks are held by Lala Pharaya Lal and Lala Shamsheer Bahadur ;

(c) that Lala Pharaya Lal is junior in his grade to about fourteen clerks and Shamsheer Bahadur, who has not yet been confirmed in that grade is junior to about 21 clerks and is the junior most in that grade ?

(ii) If replies to (a) to (c) above are in the affirmative, will he be pleased to state—

(a) whether these two posts go by selection and if so, whether all those senior to these two clerks in that grade have been declared unfit to be appointed as head clerks ;

(b) if not, whether Government is contemplating to replace the two head clerks mentioned above by their seniors who may be fit for those posts ?

The Honourable Sardar Sir Jogendra Singh : (i) (a) Yes.

(b) Yes.

(c) Yes.

(ii) (a) Not necessarily ; and those senior to these two clerks have not been declared unfit for appointment as head clerks.

(b) No ; as the present incumbents are performing their duties satisfactorily.

LOSS OF PISTOL BELONGING TO DR. KIDAR NATH, SIMLA.

***3880. Thakur Pancham Chand :** Will the Honourable Finance Member be pleased to state—

(a) whether it is a fact that Dr. Kidar Nath of Ayrecliff, Simla, reported the loss of his pistol in the summer of 1931 to the Simla Police ;

[Thakur Pancham Chand.]

- (b) the result of the enquiry held at the time ;
- (c) whether Dr. Kidar Nath suggested to the Police at the time that he had any suspicion against any one working with him ;
- (d) whether on 5th October 1933, i.e., after two years of this report, the house of one Mr. Bajj Nath Joshi, who was working as an Accountant of Swami Vishweshwaranand Trust, was searched by Police for this reported missing pistol ;
- (e) if so, whether anything incriminating was found in Mr. Joshi's house ?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) The case was filed as " untraced " on the 10th December 1931.

(c) No.

(d) Yes. On receipt of information that the pistol in question was in the house of Mr. Joshi.

(e) No.

SUPERSESSION BY SHAMSHER BAHADUR, AGRICULTURAL DEPARTMENT.

***3681. Chaudhri Afzal Haq :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether one Shamsher Bahadur was appointed on 10th February 1927 in the Department of Agriculture, Lift Irrigation division, in 40—90 grade and whether he was promoted to the grade of 75—125, in about eleven months' time, superseding as many as 68 clerks in the junior grade in spite of Director of Agriculture's instructions to the contrary ;
- (b) in case the promotion of Shamsher Bahadur was due to selection, whether Government considers all his seniors in the junior grade unfit for promotion ;
- (c) whether Government is prepared to rectify the injustice done in this case to the clerks senior to him ?

The Honourable Sardar Sir Jogendra Singh : (a) Lala Shamsher Bahadur was appointed to the temporary post of Head Clerk, Lift Irrigation division, in the Agricultural Department on 10th February 1927 in the grade of Rs. 100—6—160/8—200. On the abolition of the Lift Irrigation division in November 1930, he was appointed to a permanent post of junior clerk in the office of the Deputy Director of Agriculture, Gurdaspur, in the grade of Rs. 40—2—80/2—90. He was promoted on probation by the Deputy Director of Agriculture, Gurdaspur, to the grade of Rs. 75—5—100/5—125 in October 1931, when the staff of that sub-office was borne on a separate cadre, and as such the question of superseding his seniors in the common cadre did not arise.

(b) and (c) Do not arise.

FLOODS IN VILLAGE KOT QUTAB DIN.

*3882. **Chaudhri Afzal Haq** : Will the Honourable Member for Revenue be pleased to state—

- (a) whether it is a fact that village Kot Qutab Din, tahsil and district Gujrat, was every year flooded by the river Chenab and that to save it the Public Works Department has built some embankments ;
- (b) whether it is a fact that the village above mentioned was shifted to a locality in the area of village Jasoke of the same district ;
- (c) the area of culturable land that lies between the embankments SPU RI, SPU RXX and SPUR-GH ;
- (d) whether it is a fact that in the rainy season the flood water of the Chenab enters the area surrounded by these *bunds* and stagnates there for months, there being no outlet in the *bund* SPUR-GH ;
- (e) whether it is a fact that an area of about 2,000 bighas of Kot Qutab Din, and about 3,000 bighas of Jasoke is thus rendered unfit for sowing the *rabi* crop in time and the *kharif* crop is invariably damaged every year ;
- (f) whether it is a fact that the Superintending Engineer, Lower Chenab Canal, Khanki, and the Deputy Commissioner, Gujrat, have received a number of representations from the zamindars of these villages, if so, to what effect ;
- (g) if the answers to (a), (b), (c), (d), (e) and (f) above are in the affirmative, the action that the Government propose to take to save the zamindars of this *ilaga* from this yearly loss in these hard times ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Yes, some training *bunds* have been built by the Irrigation Department to control the river and to protect the arable lands of the village.

(b) Yes, some 40 years ago the village *abadi* was shifted to a locality in the area of village Jasoke.

(c) About a thousand acres.

(d) The flood water enters this area but flows out gradually as the flood subsides.

(e) No, about 2,000 bighas of Jasoke alone are subject to river action, and the area affected has greatly benefitted by the construction of these *bunds*. It yields two crops—rice in *kharif* and wheat in *rabi*. The latter crop is sown in time and the former benefits by the flood water.

(f) Only one petition from the zamindars of Kot Qutab Din was received by the Deputy Commissioner in June 1933,—a year of extraordinary floods. No action was considered necessary. Information whether any representation was made to the Superintending Engineer, Lower Chenab Canal, Khanki, is not available.

(g) As the area under crops is increasing as a result of the construction of the training *bunds*, obviously no action is needed.

RETIREMENT OF CANAL PATWARIS.

***3883. Chaudhri Afzal Haq :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether there are any rules for the retirement of canal patwaris ;
- (b) if there are none, how the retirement is effected in practice ;
- (c) whether it is a fact that in letter No. 0833/E.-I., dated the 15th June 1927, from the Chief Engineer, Public Works Department, Irrigation Branch, to the Superintending Engineer, 1st British Circle, Sutlej Valley Project, it is stated that there is no fixed age at which canal patwaris are to be retired and that they should not be retained except under the special circumstances after the age of 60 ;
- (d) whether in the letter quoted above the Superintending Engineers are given powers to decide whether the patwaris are to remain in service or not only after they have attained the age of 60 and not before that ;
- (e) if the answer to (c) and (d) above are in the affirmative whether the number of canal patwaris in the Upper Bari Doab Circle who are at present between 55 and 60 and whose cases for retirement are being taken up by the officers ;
- (f) the rules or orders under which patwaris are being made to retire before the age of 60 without anything being said as to their health and capacity to work ;
- (g) whether the Government is prepared to take steps to ensure that no patwari who is physically fit to discharge his duties be made to retire before the age of 60 ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Yes—a copy of Chief Engineer's letter No. 0833-E. I., dated 15th June 1927, is placed on the table.

- (b) Does not arise.
- (c) Yes.
- (d) No.
- (e) There are 13 patwaris in the Upper Bari Doab Canal Circle who are between 55 and 60 years of age. As they are under 60 the question of retirement does not arise under existing orders so long as they are fit for duty.
- (f) and (g) Do not arise.

APPOINTMENTS IN IRRIGATION DEPARTMENT.

***3884. Mr. Muhammad Din Malak :** Will the Honourable Member for Revenue please lay on the table copy of Chief Engineer, Irrigation's letter No. 3918, dated the 27th February 1929, on the subject of making appointments on communal basis ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : A copy of Punjab Government (Irrigation Branch) letter No. 8918-Est. C., of the 27th February 1932 (not 1929) on the subject of making appointments on communal basis is laid on the table.

Copy of a letter No. 3918-Est. C., dated the 27th February 1932, from T. M. Bostock, Esquire, Secretary to Government, Punjab, Public Works Department, Irrigation Branch, to All Superintending Engineers, Irrigation Branch, Punjab, Executive Engineers, Independent Divisions, Superintendent, Central Workshops Division and Scientific Research Officer, Irrigation Research Laboratory.

I am directed to convey the following instructions with regard to the proportions community-wise to be worked to in the making of appointments, discharges, etc., of the under-noted classes of establishment—

- (i) *Subordinate Engineering Service*.—Officiating overseers and temporary subordinates of all grades.
- (ii) *Provincial Clerical Establishment*.—Officiating clerks (who have no permanent appointment in the Clerical Establishment) of all grades and temporary clerks of all grades.
- (iii) *Draftsmen Establishment*.—Officiating draftsmen and tracers (who have no permanent appointment in the Draftsmen Establishment) of all grades and temporary draftsmen and tracers of all grades.
- (iv) *Munshi Establishment*.—Permanent, officiating and temporary in all grades.
- (v) *Patwari Establishment*.—Permanent, officiating and temporary.
- (vi) *Signaller Establishment*.—Permanent, officiating and temporary in all grades.
- (vii) *Artificers*.—Permanent, officiating and temporary.

2. The proportions community-wise for each of the above-noted classes of Establishment are fixed at 50 per cent. Muslim and 50 per cent. non-Muslim.

3. Recruitment to each of the above-noted classes must be on a basis of the same proportions; but if the proportion of Muslims in any of these classes of establishment is below 50 per cent., then the recruitment of Muslims may be made in a proportion in excess of but certainly not less than 50 per cent., and *vice versa*.

4. Recruitment to classes (iv) and (v) above must further be on a basis of at least 60 per cent. agriculturists (all communities considered together).

5. In submitting rolls of temporary subordinates and officiating overseers recommended for appointment to the Subordinate Engineering Service, rolls of temporary and officiating clerks recommended for appointment to the Provincial Clerical Establishment and rolls of temporary and officiating draftsmen and tracers recommended for permanent appointment as draftsmen and tracers you are required wherever feasible to recommend the men in the proportions of 50 per cent. Muslim and 50 per cent. non-Muslim. In case you find in any particular instances that it be not feasible to do this, you are required, in submitting the rolls, to state the reasons why it is not feasible.

6. In discharging men (due to reduction of establishment or other reason) from any of the classes of establishment noted in paragraph 1 above, if the proportion of Muslims is less than 50 per cent., only non-Muslims should be discharged, provided that the Muslims retained are duly qualified and have satisfactory records of service.

7. With regard to the proportion of 50 per cent. non-Muslims prescribed in these instructions, I am to say that every effort should be made to sub-divide this proportion into 17 per cent. Sikhs and 33 per cent. others (including Hindus).

8. These instructions supersede instructions issued in the under-noted letters :—

No. 4931/4953-E. I., dated 2nd May 1929.

No. 02598/02620-E. I., dated 27th July 1929.

No. 10036/10056-E. I., dated 27th November 1930.

No. 10057/10078-E. I., dated 27th November 1930.

No. 10720/10741-E. I., dated 10th December 1930.

No. 497/499-E. I., dated 13th January 1931.

APPOINTMENTS IN IRRIGATION BRANCH.

***3885. Mr. Muhammad Din Malak :** Will the Honourable Member for Revenue please state if it is a fact that orders had been issued by the Government to so recruit establishment in the Irrigation Department in future as would allow a definite share to each community ; and if so, whether these orders have since been withdrawn or they still stand ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Yes, the orders still hold good.

MUNSHIS, UPPER CHENAB CIRCLE.

***3886. Mr. Muhammad Din Malak :** Will the Honourable Member for Revenue please state if it is a fact that in the Upper Chenab Circle the position of Muslim and non-Muslim munshis on the 15th December 1932, was 21 and 31, respectively ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : On 15th December 1932 there were 23 Muslim and 33 non-Muslim munshis in the Upper Chenab Canal Circle.

MUNSHIS, UPPER CHENAB CIRCLE.

***3887. Mr. Muhammad Din Malak :** Will the Honourable Member for Revenue please state—

- (a) if it is a fact that one Muhammad Ismail, a munshi in the Upper Chenab Circle, retired from service on the 15th December 1932 ;
- (b) that at the time two candidates happened to be working in officiating chances, namely Muhammad Ali, an agriculturist, and an undergraduate, and Man Singh, a middle pass ;
- (c) that in utter disregard of Government instructions to so regulate future recruitment as would allow each community its fixed share, and of the fact that Muhammad Ali was an agriculturist and also of the fact that his educational qualifications were far superior to the educational qualifications of Man Singh, the latter was appointed in the vacancy caused by Muhammad Ismail's retirement ;
- (d) if the reply to the above be in the affirmative, as to why their orders have not been given effect to in the Upper Chenab Circle and also whether they propose to take steps to put matter straight especially in view of the fact that the representation of the Muslim community in the cadre of the munshis in the Upper Chenab Circle was already below the fixed quota ?

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

(b) Yes, except that Muhammad Ali was a matriculate and not an undergraduate.

(c) No. No appointment has been made in the munshi establishment after 2nd September 1929.

(d) Does not arise.

RURAL RECONSTRUCTION DEPARTMENT.

***3888. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) the name of the officer who officiated for Mr. Brayne, Commissioner of Rural Reconstruction, Punjab ;
- (b) whether it is a fact that his assistant Rai Sahib Nathu Ram was also allowed to leave the department ;
- (c) whether it is a fact that the Rural Reconstruction Department is without an officer for more than three months ;
- (d) if so, the intention of the Government if they propose to end the Rural Reconstruction Department ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No officiating arrangement has been made in his place.

- (b) Yes.
- (c) No. Financial Commissioner, Development, is the head of department for rural reconstruction work.
- (d) Government has decided provisionally to retain the Commissioner, Rural Reconstruction, till the end of March 1936.

MEMORIAL FROM ZAMINDARS OF ILAQA BEIT.

***3889. Chaudhri Afzal Haq :** With reference to my question No. *8155¹, dated the 19th March 1934, will the Honourable Member for Revenue be pleased to state :—

- (a) whether he has received the report with regard to village Beit, tahsil Garhshankar, district Hoshiarpur ;
- (b) if not, how long it will take to collect the required information ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Yes. It has just been received and is being considered.

- (b) Does not arise.

Chaudhri Afzal Haq : What is that report ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It has only just been received.

Chaudhri Afzal Haq : Will it be laid on the table ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Yes, if it is considered proper after it has been considered by Government.

M. R. C. V. S. MEN.

***3890. Pir Akbar Ali :** Will the Honourable Minister for Agriculture kindly state—

- (a) whether Government has received any representation from several M. R. C. V. S. gentlemen about their being employed in the Veterinary College, Lahore, and in the districts ;
- (b) if so, what action, if any, the Government has taken on that representation ;

[Fir Akbar Ali.]

- (c) how many gazetted jobs for which M. R. C. V. S. are eligible are open at this time;
- (d) how many Punjabis have taken D. T. V. M. after their M. R. C. V. S. and whether there is a Punjabi who has also done research work at the London School of Tropical Veterinary Medicine and Hygiene;
- (e) whether Government has taken any steps to absorb the gentlemen mentioned in (d) in Veterinary College;
- (f) whether Government intends to appoint an Animal Husbandry expert, if a Punjabi is available;
- (g) whether a Punjabi M. R. C. V. S. who has done D. T. V. M. has also done full course of Animal Husbandry;
- (h) whether Government is contemplating the appointment of an M. R. C. V. S. to take charge of the Veterinary Hospitals in bigger cities, so as to be better able to supervise milk and meat inspection also?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

- (b) The matter is under consideration.
- (c) Three permanent and three officiating posts are vacant.
- (d) I have no official information.
- (e) Does not arise.
- (f) The post of Live Stock Expert is held in abeyance, and can only be revived when finances of the province improve.
- (g) No.
- (h) No.

VACANCIES IN THE CADRE OF AGRICULTURAL ASSISTANTS.

***3891. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Agriculture please state—

- (a) whether it is a fact that there were about fifteen vacancies in the cadre of Agricultural Assistants attached to the farms run by the Agricultural Department of the Punjab Government;
- (b) if so, whether any notice for these posts was published in any important newspaper;
- (c) if the answer to (b) be in the affirmative, whether he will lay on the table a list giving the names of those newspapers in which such notice was published;
- (d) if the answer to (b) be in the negative, the reason therefor;
- (e) whether these vacancies have been filled up;
- (f) if so, whether he will lay on the table a statement showing the names and educational qualifications of the candidates with their respective marks obtained in the degree examination who were selected for these posts;

- (g) whether it is a fact that some graduates (who were students of Khalsa College, Amritsar) of the University of the Punjab in Agriculture, in spite of their higher merits than the selected candidates could not apply as no notice for such vacancies was published in any important newspaper;
- (h) if so, whether the Government is prepared to redress their just grievances by permitting them now to apply for the posts in question, consider their cases on merits, and select them for appointments in place of those selected candidates who possess lesser qualifications?

The Honourable Sardar Sir Jogendra Singh : (a) There were in all twelve temporary vacancies this year in the cadre of Agricultural Assistants.

- (b) No.
- (c) Does not arise.
- (d) The vacancies were temporary and it is not usual to advertise in such cases.
- (e) Yes.
- (f) A statement is laid on the table.
- (g) Government has no information.
- (h) There are no vacancies in the cadre of Agricultural Assistants at the moment, but applications received from the graduates who pass out of the Khalsa College will be considered along with others if and when vacancies occur.

Statement showing the names and educational qualifications of the candidates with their respective marks obtained in the degree examination.

Serial No.	Name.	Educational qualifications.	Marks obtained in the degree examination.	REMARKS.
1	M. Abdul Ahad	B. Sc. (Agri.)	671	
2	L. Bhagwan Dass	Ditto	676	
3	Bh. Gurcharan Singh Sohi ..	Ditto	655	
4	Bh. Sucha Singh	Ditto	681	
5	Ch. Abdul Ghani, Arain ..	Ditto	594	
6	Bh. Mukhtar Singh	Ditto	649	
7	M. Muhammad Afzal	Ditto	682	
8	M. Muhammad Abdul Ghani ..	Ditto	718	
9	M. Abdul Latif, son of M. Abdul Razaq.	Ditto	631	
10	L. Chetan Swarup	Ditto	664	
11	M. Muhammad Abdul Jahl ..	Ditto	576	
12	M. Barkat Ullah	Ditto	618	

NUR MUHAMMAD, LAMBARDAR OF CHAK NO. 174, VILLAGE MUHAMMADPURA.

***3892. Chaudhri Afzal Haq :** With reference to question No. *3404¹, dated the 27th June 1934, will the Honourable Member for Revenue be pleased to state—

- (a) whether the Financial Commissioner ordered that the possession of the exchanged land be stopped just in those days when the outlet No. 25,000 was closed in October 1931 ;
- (b) whether it is a fact that the order was not carried out by the local authorities ; if so, why ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) The Financial Commissioner's order issued on 29th October 1931 was that the exchange should not be given effect to, until further orders, if it had not already been carried out ;

(b) The Deputy Commissioner, Sheikhpura, reported that possession was given to Nur Muhammad on 8th May 1930.

NUR MUHAMMAD, LAMBARDAR OF CHAK NO. 174, VILLAGE MUHAMMADPURA.

***3893. Chaudhri Afzal Haq :** With reference to question No. *3404¹, dated the 27th June 1934, will the Honourable Member for Revenue be pleased to state—

- (a) whether it is a fact that the exchange was against the rules ;
- (b) whether it is a fact that pointed attention was drawn to such breach of rules by Government letter No. 1841-C., dated the 28th April 1932 ;
- (c) whether he will lay it on the table ;
- (d) why the instructions embodied in the letter were not carried out ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a)—
(d) Punjab Government letter No. 1841-C., dated the 28th April 1932, is laid on the table. The exchange in question was sanctioned four years before this letter issued.

Copy of a letter No. 1841-C., dated 28th April 1932, from F. C. Bourne, Esquire, I.C.S., Deputy Secretary to Government, Punjab, Development Department, to All Commissioners and Deputy Commissioners in the Punjab.

I am directed to issue some general instructions in the matter of exchanges of colony land. Such exchanges are permitted under section 17 of the Colony Act and the considerations governing the sanction or refusal of them are set forth in section V of Chapter VIII of the Colony Manual, Volume I. It is realised that individual cases must be treated on their merits and that no set of instructions can be framed to cover all cases. But certain definite orders have been passed from time to time since the Colony Manual was revised in 1928 and pending further revision, the Financial Commissioner, Development, is of opinion that it will be of assistance to the local officers who have to deal originally with exchange applications, if these orders are collected and summarised. Since officers in districts containing no colony land are sometimes asked to recommend exchanges by residents or ex-residents of their districts who hold land in colonies these instructions are addressed to all districts.

2. Land within the reserved *charagh* area adjoining the village site should never be allotted in exchange. In all estates consisting mainly of grants on peasant terms this reserved area should be maintained to cover all land within a strip 2½ kallas wide round the abadi.

3. Land purchased at auction or otherwise cannot be exchanged without the express orders of Government which will only be sought in very exceptional cases.

4. Once proprietary rights have been acquired in a grant no application for exchange should be entertained.

5. Similarly, holders of old proprietary land should never be allowed to exchange such land for previously unallotted crown land in a colony without the express orders of Government. A mutual exchange of proprietary and allotted colony land even when both parties desire it should never be sanctioned as the colonist migrating to the proprietary land could no longer be held to conditions and as the colonization of Government lands does not extend to old proprietary lands it would not be possible to penalise him for breach.

6. Applications for exchange based on alleged deterioration of the soil through waterlogging must always in the first instance be referred to the Waterlogging Assistant to the Financial Commissioner who will forward them with a report for consideration by the Waterlogging Board.

7. Applications for exchanges out of one colony into another must invariably be refused by you as Commissioners have no power to sanction such cases.

8. No exchanges are to be allowed in old settled colonies (including the Lower Bari Doab Colony) when the grant has been held for five years or more except for administrative reasons e.g., when the land is required for some public purpose or where the Irrigation Branch find difficulty in maintaining irrigation.

9. No exchange can be allowed in respect of any colony holding for which a land revenue assessment has been announced at settlement.

NUR MUHAMMAD, LAMBARDAR OF CHAK No. 174, VILLAGE MUHAMMADPURA.

***3894. Chaudhri Afzal Haq :** With reference to question No. *3404¹ dated the 27th June 1984, will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the exchange was allowed against the consent of the villagers ;
- (b) if not, the total population of Muhammadpura and the number of those who consented to the exchange ;
- (c) whether those few who gave their consent belong to the party of the said Nur Muhammad and are his relatives ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a). No, but certain objections were made after the exchange had been sanctioned. Moreover, Government is not bound by any restrictions in the disposal of unallotted Crown waste.

(b) The total population of Muhammadpura is 1,385. No further reply is called for in view of answer to (a) above.

(c) Does not arise.

NUR MUHAMMAD, LAMBARDAR OF CHAK No. 174, VILLAGE MUHAMMADPURA.

***3895. Chaudhri Afzal Haq :** With reference to question No. *3404¹, dated the 27th June 1984, will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that patwaris and girdawars concerned were reprimanded for keeping in dark the higher authorities with respect to this exchange and thus favouring one party ;
- (b) whether it is a fact that the agriculturists of the village did not as a protest water their lands and there was no rabi crop in 1981-82 ;
- (c) if so, whether the Government now intends to set the matter right ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No patwari was reprimanded. The Field Kanungo concerned was censured for failure to conduct a proper enquiry into the exchange case in question.

(b) No.

(c) No. The honourable member is referred to the reply given to part (g) of his question No. *3404¹ asked by him in the last session of the Council.

PUNITIVE POLICE IN ROHTAK DISTRICT.

✓ ***3896. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly lay on the table of the House a statement showing the following particulars—

- (a) the names of the villages in Rohtak district where it has been decided to post punitive police ;
- (b) the terms for which the punitive force referred to in (a) has been posted ;
- (c) the strength of the punitive force sanctioned for each locality or group of localities ;
- (d) the annual cost of pay of the total force ;
- (e) other expenses on equipment, etc. ;
- (f) the grounds on which action against each individual village has been taken ;
- (g) the number of offences reported from each of these villages during the last four years ?

The Honourable Mr. D. J. Boyd : (a) and (g) A statement is laid on the table. Information regarding the number of offences reported from these villages is available for the last three years only.

(b) One year with effect from the 22nd September 1934.

(c) A statement is laid on the table.

(d) The total cost of pay, pension, contributions, etc., is Rs. 49,875.

(e) The total expenses on equipment, etc., is Rs. 23,185.

(f) The honourable member is referred to the reply given to Council question No. *3728² asked by him.

Statement A.

Name of village.	Number of offences reported from the village for the last three years.
1. Sanghi, Police Station Rohtak	37
2. Khidwali, Police Station Rohtak	14
3. Jasia, Police Station Rohtak	24
4. Kanhi, Police Station Gohana	20

¹Page 156 ante.

²Page 572 ante.

Name of village.	Number of offences reported from the village for the last three years.
5. Chhichrana, Police Station Baroda	7
6. Puthi, Police Station Baroda	33
7. Mirzapur Kheri, Police Station Baroda	6
8. Barohna, Police Station Sampla	15
8. Rohna, Police Station Sampla	18
10. Kilo, Police Station Rohtak	15
11. Ganganand Garhi Gangana, Police Station Baroda	27
12. Siwana Mal, Police Station Baroda	18
13. Rana Kheri, Police Station Baroda	5
14. Jagai, Police Station Baroda	20
15. Gharwal, Police Station Baroda	21
16. Bhatgaon, Police Station Sonapat	51
17. Ratangarh, Police Station Sonapat	1
18. Salimsar Majra, Police Station Sonapat	7
19. Kilorad, Police Station Sonapat	6
20. Farmana, Police Station Sampla	17
21. Silana, Police Station Sampla	10
22. Kahalpa, Police Station Baroda	5
23. Kathura, Police Station Baroda	9
24. Bhandari, Police Station Baroda	4
25. Bainsi, Police Station Mehm	24
26. Gugaheeri, Police Station Mehm	32
27. Chandli, Police Station Mehm	46
28. Chiri, Police Station Mehm	36
29. Ajaib, Police Station Mehm	12
30. Gurawar, Police Station Mehm	13
31. Nidana, Police Station Mehm	16
32. Farmana, Police Station Mehm	25
33. Kharak Jatan, Police Station Mehm	20
34. Mohalla Qasaban, Mohalla Mondhallan and Basti Ghanipura (Rohtak City).	107

Statement B.

	Inspector.	Sub-Inspector.	Assistant Sub-Inspector.	Head Constables.	Foot Constables.
Rohtak	1	1	..	2	26
Sanghi .. .. .	..	..	1	..	8
Police Station Rohtak, Gohana .. .. .	..	1	..	2	25
Gangana, Police Station Baroda .. .. .	..	..	1	..	8
Sonapat .. .. .	..	1	..	2	25
Bhatgaon, Police Station Sonapat .. .. .	..	..	1	..	8
Total	1	3	3	6	100

OFFENCES.

✓*3897. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state—

- (a) the total number of offences (excluding offences under the Motor Vehicles Act and the rules made thereunder) reported in the Rohtak, Ludhiana and Gurdaspur districts in 1931, 1932, 1933 and 1934, respectively ;
- (b) the total number of absconders (excluding absconders charged with offences under the Motor Vehicles Act and the rules made thereunder) in the Rohtak, Ludhiana and Gurdaspur districts respectively on the 15th of September 1934 ;
- (c) the number of absconders arrested during each six-monthly period commencing from the 15th of October 1932 and ending on the 15th of October 1934 in the Rohtak district ?

The Honourable Mr. D. J. Boyd : (a) (b) and (c) A statement is laid on the table.

Statement.

District.	1931.	1932.	1933.	1934.
(a).				
Rohtak ..	3,870	4,678	4,691	2,813 (Up to the 30th September 1934.)
Ludhiana ..	4,668	6,118	5,634	2,441 (Up to the 30th September 1934.)
Gurdaspur ..	5,980	5,694	5,437	4,273 (Up to the 30th September 1934.)
(b).				
Rohtak ..	94	..	..	..
Ludhiana ..	146	..	..	..
Gurdaspur ..	96	..	..	..
(c).				
	From 15th October 1932 to 15th April 1933.	From 16th April 1933 to 15th October 1933.	From 16th October 1933 to 15th April 1934.	From 16th April 1934 to 15th October 1934.
Rohtak ..	20	31	57	21

ARREST OF MUGHLA.

✓*3898. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly state whether responsible police officers in the Rohtak district believed that the information of official activities—

for the arrest of Mughla leaked to him through some members of the police force and whether any action has been taken against any of those police officials suspected in this connection?

The Honourable Mr. D. J. Boyd : The answer to both parts of the question is in the affirmative.

TRIAL OF MUGHLA.

***3899. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly place on the table of the House a statement showing—

- (a) the result of each murder case in which Mughla, dacoit of Rohtak, was tried ;
- (b) the result of the case against the associates of Mughla in the case of murder of Munshi Abdullah Khan, late sub-inspector ;
- (c) the number of witnesses who resiled from their statements before the police when they were examined in the court of the committing magistrate or sessions judge ;
- (d) the number of accused persons who were discharged by the committing magistrate ?

The Honourable Mr. D. J. Boyd : (a) Mughla was tried in the sessions court in three cases and was convicted and sentenced to death in all three. The sentences were confirmed by the High Court ;

(b) out of the eleven accused in this case one was sentenced to death, five were acquitted, four discharged by the committing magistrate and the case against one was withdrawn ;

(c) 13 ;

(d) 4.

ADDITIONAL POLICE IN ROHTAK DISTRICT.

***3900. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state whether it is a fact that most of the villages in the Rohtak district where it has been decided to quarter additional police were suspected of having harboured the notorious outlaw named Mughla and whether Mughla was hanged on the 25th of August while the additional police has been ordered to be stationed in these villages with effect from the 1st of October 1934 ?

The Honourable Mr. D. J. Boyd : The reply is in the affirmative except that the additional police post has been located with effect from the 22nd September 1934.

ADDITIONAL POLICE IN ROHTAK DISTRICT.

***3901. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the names of the police stations in which the villages selected for the quartering of the additional police in the Rohtak district are situated ; the number of persons prosecuted from each of these police stations for harbouring Mughla and whether any action has been taken against the officers who were in charge of the police stations within the jurisdiction of which these villages are situated ?

The Honourable Mr. D. J. Boyd :

First part	..	..	Rohtak, Baroda, Sonapat and Gohana Police Stations.
Second part	..	..	Fifty-nine persons in all were prosecuted for harbouring Mughla.
Third part	..	..	No.

ARREST OF MUGHLA.

✓*3902. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state whether any action has been taken against any police officer of the Rohtak district on the ground of the remissness, slackness or inefficiency displayed by him in the matter of the arrest of Mughla, if so, the number and rank of these officers ?

The Honourable Mr. D. J. Boyd : Two foot constables have been dismissed and one has been discharged. One foot constable died while departmental action was pending against him.

ACTION AGAINST CORRUPT OFFICIALS IN ROHTAK DISTRICT.

✓*3903. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state whether any action has been taken against any officers of the police, Revenue or Judicial department in the Rohtak district for corruption during the last three years, and if so, the nature of the action taken ?

The Honourable Mr. D. J. Boyd : The information is being collected and will be supplied to the honourable member when received.

HINDU AGRICULTURISTS AS PUBLIC PROSECUTORS.

✓*3904. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the number of statutory Hindu agriculturists on the list of approved candidates for the post of Public Prosecutors on the 15th October 1934, whether any reduction of this number is under contemplation and if so, whether in reducing this number Government will make due allowance for the existing meagre representation of Hindu agriculturists on this list ?

The Honourable Mr. D. J. Boyd : The number of Hindu statutory agriculturists on the list of approved candidates for the post of Public Prosecutor is five. Instructions have been issued for the scrutiny of the lists with a view to the reduction of the number of candidates but no directions have been given for the reduction of the number of any particular class. The case of each candidate will be decided on its merits.

PROMOTIONS IN EDUCATION DEPARTMENT.

*3905. **Khwaja Muhammad Eusoof :** Will the Honourable Minister for Education please state :—

(a) whether the Department of Education is considering the question of promotions to its employees ;

- (b) whether it is a fact that there are qualified Muslims who are either double M.As. or possess foreign qualifications and have completed their grades ;
- (c) whether the names of all such persons will be considered at the time of promotion ?

The Honourable Malik Sir Firoz Khan Noon : (a) Not immediately.

(b) Yes, there are a few.

(c) The honourable member is referred to the answer given to part (a) of the question No. *2825¹ asked by Shrimati Lekhwati Jain in the last budget session of the Council.

GOVERNMENT COLLEGE, HOSHIARPUR.

***3906. Sardar Arjan Singh :** Will the Honourable Minister for Education kindly state in regard to the Government College, Hoshiarpur :—

- (a) the average number of working days in the year ;
- (b) the total amount of staff salary bill annually ;
- (c) the average number of periods which each member of the teaching staff has to teach in a week ;
- (d) the duration of a teaching period ;
- (e) the number of students sent up by the college for (i) Matriculation and S.L.C. examinations, (ii) the Intermediate examinations ;
- (f) the number of passes and the pass percentage of the students referred to in (e) ;
- (g) the ratio of passes in the Government College and in another private Intermediate College at Hoshiarpur ;
- (h) the number of members of the staff community-wise ;
- (i) the number of students in the college community-wise ;
- (j) whether it is fact that the Sikhs are not adequately represented on the staff ;
- (k) if the answer to (j) be in the affirmative whether the Government will take immediate steps to remedy this grievance of the Sikhs ?

The Honourable Malik Sir Firoz Khan Noon : (a) 202.

(b) and (c) Information is being obtained from the Principal, Government Intermediate College, Hoshiarpur, and will be supplied when ready.

(d) Forty-five minutes.

(e) (i) 38 ; (ii) 58.

(f) (i) 28, percentage 74 ; (ii) 35, percentage 60.

(g) The information regarding the D. A.-V. College, Hoshiarpur, is being collected from the Controller of Examinations, University of the Punjab, and will be supplied when ready.

[Hon. Sir Firoz Khan Noon.]

(h)	Hindus.	Muslims.	Sikhs.	Christians.
	12	4	7	2

(i)	Hindus.	Muslims.	Sikhs.	Total.
	71	90	20	181

(j) No.

(k) Does not arise. The honourable member's attention is also drawn to the answer to part (c) of question No. *3740¹ asked by him in the current session of the Council.

GOVERNMENT COLLEGE, HOSHIARPUR.

***3907. Sardar Arjan Singh :** Will the Honourable Minister for Education kindly state :—

(a) whether there was a definite proposal last year before the Government to raise the Government Intermediate College, Hoshiarpur, to the status of a Degree College ;

(b) whether the proposal has been dropped ;

(c) if so, the reasons that have led the Government to do so ;

(d) if not, whether the College will be raised to the status of a Degree College from the next financial year ?

The Honourable Malik Sir Firoz Khan Noon : (a) No.

(b) and (c) Do not arise.

(d) The present financial position of Government does not permit it and the desirability of it from an educational point of view is uncertain.

SIKH DEPUTY SUPERINTENDENTS OF JAILS.

***3908. Sardar Arjan Singh :** Will the Honourable Member for Finance kindly state :—

(a) the total number of Deputy Superintendents of Jails in the province and how many of them are Sikhs ;

(b) whether the representation of Sikhs is hopelessly meagre in the cadre ;

(c) if so, whether Government intends to take steps to grant them suitable representation by appointing duly qualified Sikhs in the new vacancies ?

The Honourable Mr. D. J. Boyd : (a) On the 1st January 1934 there were 24 posts of Deputy Superintendents out of which 2 were held by Sikhs.

(b) This is a matter of opinion.

(c) Due consideration will be paid to the claims of Sikh candidates.

SIKH ASSISTANT SUPERINTENDENTS OF JAILS.

***3909. Sardar Arjan Singh :** Will the Honourable Member for Finance kindly state :—

- (a) the total number of Deputy Superintendents of Jails in the province community-wise ;
- (b) the total number of Assistant Superintendents of Jails in the province community-wise ;
- (c) what action the Government contemplates to take to increase the number of Sikhs in the cadre ?

The Honourable Mr. D. J. Boyd : (a) On the 1st January 1934, the number of Deputy Superintendents community-wise was :—

Muslims.	Hindus.	Sikhs.	Others.	Total.
9	11	2	2	= 24

(b) On the 1st January 1934 the number of Assistant Superintendents was :—

Muslims.	Hindus.	Sikhs.	Others.	Total.
31	39	22	1	= 93

(c) The claims of Sikhs are fully recognised. They form 20·5 per cent. of the combined cadre of Deputy Superintendents and Assistant Superintendents. The former are recruited from the latter.

EDUCATIONAL SERVICE.

***3910. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Education kindly state :—

- (a) if certain members of the Punjab Educational Service, class II, have been promoted to Punjab Educational Service, class I, recently ;
- (b) the total number of posts at present held by members of Punjab Educational Service, class I, and Indian Educational Service together, community-wise ;
- (c) whether the number of Muslims is below 40 per cent. and also less than that of the Hindus ;
- (d) if so, what action Government intend to take to make up the difference ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) Hindus ..	..	..	..	7 or 26·92 per cent.
Muslims ..	..	..	..	6 or 23·07 per cent.
Sikhs ..	..	..	..	1 or 3·84 per cent.
Others ..	..	..	..	12 or 46·15 per cent.

(c) Yes.

(d) The policy of Government was stated by the Honourable Finance Member in a debate in the Legislative Council on the 19th of July 1927. This is still the policy of Government, and Government continue to carry out the requirements of the formula contained in the said statement of policy.

PROFESSORS IN GOVERNMENT COLLEGE, LAHORE.

***3911. Khwaja Muhammad Euseof :** Will the Honourable Minister for Education please state :—

- (a) the total number of Professors in the Government College, Lahore ;
- (b) how many of them are Muslims ;
- (c) the future policy of the Department regarding the Muslim representation in the Government College, Lahore ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) If the honourable member means by professors members of the Indian Educational Service and Punjab Educational Service, Class I, who are officially designated as professors, then the reply is—

(a)	..	..	..	..	..	11
(b)	..	..	..	..	..	1

but if he means all teachers including professors, lecturers and members of the Subordinate Educational Service who are designated as teachers, then the answer is—

(a)	..	..	..	..	..	41
(b)	..	..	..	..	..	15

(c) The policy of Government was stated by the Honourable Finance Member in a debate in the Legislative Council on the 19th July 1927. This is still the policy of Government, and Government continue to carry out the requirements of the formula contained in the said statement of policy.

CHARGES FOR PROVISIONAL CERTIFICATES OF LL.B. CLASS STUDENTS.

***3912. Khwaja Muhammad Euseof :** Will the Honourable Minister for Education please state :—

- (a) whether it is a fact that the students of LL.B. class are charged Rs. 10 by the University for getting their provisional certificates ;
- (b) under what regulation this charge is made ;
- (c) whether such a charge is also made by Arts and Science Colleges in the Punjab ;
- (d) if not, why the University at all charges this fee ;
- (e) if there is no such regulation of the University, whether all such charges will be refunded to the candidates who have obtained provisional certificates from the Principal, Law College ?

The Honourable Malik Sir Firoz Khan Noon : The information is being collected and will be supplied to the honourable member when ready.

MUSLIMS IN PUNJAB EDUCATIONAL SERVICE.

***3913. Khwaja Muhammad Euseof :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that there are at present six vacancies in the Punjab Educational Service grade ;

- (b) whether it is also a fact that the Muslim representation in the Punjab Educational Service grade is far below 40 per cent. ;
- (c) whether he intends to make promotions in such a manner that the grievance of the Muslim community is removed ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) Yes.

(c) The policy of Government was stated by the Honourable Finance Member in a debate in the Legislative Council on the 19th of July 1927. This is still the policy of Government, and Government continue to carry out the requirements of the formula contained in the said statement of policy. It may also be added for the honourable member's information that promotions in the Education Department are not made on communal basis.

MUSLIMS IN EDUCATION DEPARTMENT.

***3914. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that in the last session of the Council, Nawab Fazal Ali of Gujrat asked a question relating to the proportion of various communities in the Education Department ;
- (b) whether it is a fact that the figures supplied by the Education Department reveal the astounding fact that the Muslims in all grades of subordinate and provincial service are far below their due representation ;
- (c) since how long they are suffering under this under-representation ;
- (d) what steps Government proposes to take to remove this grievance of the Muslim community ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) It is not clear what the honourable member means by "due representation." If he means the percentage fixed by Government the answer is that the Muslim representation in the Punjab Educational Service and Anglo-Vernacular section of the Subordinate Educational Service is still below that percentage.

(c) For many years.

(d) The policy of Government was stated by the Honourable Finance Member in a debate in the Legislative Council on the 19th of July 1927. This is still the policy of Government and Government continue to carry out the requirements of the formula contained in the said statement of policy.

MUNICIPAL EXECUTIVE OFFICERS.

***3915. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Local Self-Government please state—

- (a) the number of municipalities where the Executive Officers have been posted ;
- (b) how many of them have been successful to secure the confidence and co-operation of the members of each municipality and the public ;
- (c) if none has been successful to secure such confidence and co-operation to what this fact is due ?

The Honourable Dr. Gokul Chand Narang : (a) Eleven.

(b) A reference is invited to the reply given in the last Simla session to Council question *3287¹. The success of the executive officer system cannot be fully expressed in figures. Government have no hesitation in saying that the Executive Officers have generally secured the confidence of the public. The extent to which the members have co-operated with them has varied from time to time and from committee to committee. It would not, however, be correct to suggest that the executive officers have received no support from the members.

(c) Does not arise.

HOSIERY INSTITUTE, LUDHIANA.

***3916. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether the Hosiery Institute at Ludhiana has been re-started ;
- (b) how many posts have been directly filled in by the Director of Industries ;
- (c) how many of them are given to Hindus, Muslims, Sikhs and other communities ;
- (d) the total number of posts sanctioned for this Institute ;
- (e) how many of them are given to members of various communities and what are the emoluments attached to each post ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Six—so far.

(c) Hindus—3.

Muslims—2.

Sikh—1.

One post has yet to be filled and some of the likely applicants are being tried.

(d) Eight (including Hosiery Expert).

- (e) European .. 1 at Rs. 500—25—750.
- Hindus—3 .. 1 at Rs. 120—20—300.
- 1 at Rs. 60 against Rs. 100.
- 1 at Rs. 40—2—80/2—90.
- Muslims—2 .. 1 at Rs. 60—5—100.
- 1 at Rs. 10.
- Sikh—1 .. at Rs. 30—4—70.

One post at Rs. 35—5—60 is vacant.

HOSIERY INSTITUTE, LUDHIANA.

***3917. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether the Industries Department has reserved several seats in class A and B of the Hosiery Institute for the sons of artisan classes ;

- (b) if not, whether he will consider the desirability of allotting 50 per cent. of such seats for the sons of artisan classes ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Does not arise.

N A I S.

***3918. Lala Ramji Das :** Will the Honourable Member for Revenue please state—

- (a) whether he is aware that in the last census operations, *Nais* could be recorded as Brahmin, *Nai* Brahmin, or Kulin *Nai*, but not as Kulin Brahmin ;
- (b) whether in connection with letter No. 1823-X., dated the 18th February 1933, issued by the Director of Public Instruction, a representation from *Nai* Brahmin Sabha, Delhi, was received in September or October 1933, and whether it was considered by Government ;
- (c) if the answer to part (b) is in the affirmative the action taken on it ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No.

- (b) The receipt of this representation has not been traced.
- (c) Does not arise.

SUB-INSPECTOR FISHERIES CANDIDATES.

***3919. Thakur Pancham Chand :** Arising out of the reply given to part (c) to Council question No. *3478¹ put by me on the 28th June 1934, will the Honourable Minister for Agriculture kindly state—

- (a) the result of his personal enquiry ;
- (b) whether Government intends to provide the rest of the two candidates (who were in service at the time of their acceptance as Sub-Inspector of Fisheries) ?

The Honourable Sardar Sir Jogendra Singh : (a) There are two accepted candidates whose claims are admitted.

- (b) Orders have been passed that they must be provided for.

COMPLAINTS IN COURTS OF MAGISTRATES, 1ST CLASS, HOSHIARPUR.

***3920. Sardar Arjan Singh :** Will the Honourable Member for Finance kindly state—

- (a) the number of complaints (private) instituted in the courts of Magistrate, 1st class at Hoshiarpur including the additional district magistrate, but excluding the district magistrate, during the last 6 months (April to September 1934) ;
- (b) the number of private complaints referred to in (a) dismissed under section 203 Criminal Procedure Code, by each 1st class Magistrate at Hoshiarpur, giving the name of each magistrate during the last 6 months ;

[S. Arjan Singh.]

- (c) the number of private complaints that resulted in conviction in the court of each 1st class Magistrate referred to in (a) during the last 6 months, along with the number of complaints that were filed in that court during that period, giving the name of each 1st class Magistrate presiding over the court ?

The Honourable Mr. D. J. Boyd : (a) 299.

(b) and (c) It is not the practice of Government to give names. A statement giving the information in other respects is laid on the table.

Statement.

	Number of complaints filed.	Number dismissed under section 203.	Number resulting in convictions.
Additional District Magistrate	43	18	<i>Nil</i>
Magistrate, 1st class (A) ..	96	68	3
Magistrate, 1st class (B) ..	88	58	<i>Nil</i>
Magistrate, 1st class (C) ..	72	49	1

ELECTRIC SUPPLY COMPANIES.

***3921. Rai Bahadur Lala Sewak Ram :** Will the Honourable Member for Revenue be pleased to state—

- the total number and the names of the different Electric Supply Companies working in the Punjab ;
- the number of the licenses that each of these companies has to its credit ;
- whether it is a fact that some of the concerns, *e. g.*, Lahore and Rawalpindi, enjoy the monopoly of a number of towns ;
- if so, the reasons for permitting this monopoly ;
- whether it is the intention of the Government to grant them further licences ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (b) A statement is laid on the table.

(c) Yes.

(d) Every licensee has a virtual monopoly in the area of supply pertaining to his licence. It has been considered inadvisable to allot more than one licence in any one town. Licences can only be given on application being made, and there is no reason why the possession of a previous licence should disqualify an applicant.

(e) Government cannot foretell what applications will be received.

Chaudhri Riasat Ali : Is it the general policy of Government to give licence to one and the same concern or to other concerns also ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I have made it quite clear that each application is considered on its merits.

Statement showing the names of Electric Supply Companies in the Punjab.

Name of Company.	Number of licences held.
1. Jullundur Electric Supply Company, Limited	1
2. Multan Electric Supply Company, Limited	1
3. Rawalpindi Electric Power Company, Limited	2
4. Gujranwala Electric Supply Company, Limited	1
5. Sialkot Electric Supply Company, Limited	1
6. Lahore Electric Supply Company, Limited	7
7. Kasauli Electric Supply Company, Limited	1
8. Hoshiarpur Electric Supply Company, Limited	1
9. Sargodha Electric Supply Company, Limited	1
10. Punjab Electric Power Company, Limited	2
11. Ambala Electric Supply Company, Limited	1
12. Ludhiana Electric Supply Company, Limited	1
13. Okara Electric Supply Company, Limited	1
14. B. R. Herman and Mohatta, Limited	1
15. Panipat Electric Supply Company, Limited	1
16. Goela Electric Company of Ambala	1
17. Har Bhagwan Nanda and Company	1
18. Hafizabad Electric Supply Company	1

SIKHS IN THE SERVICES.

***3922. Sardar Jawahar Singh Dhillon :** (i) Will the Honourable Revenue Member please lay on the table a statement showing community-wise the posts of Excise Sub-Inspectors, Naib-Tahsildar, Tahsildar, Zilladar, held by the residents of Muzaffargarh, Multan and Dera Ghazi Khan districts in the Multan Division?

(ii) If the percentage of Sikh community for the posts mentioned in (i) above be inadequate, will he please state—

(a) the reasons therefor;

(b) if the answer to (ii) above be in the affirmative, whether the Government is prepared to redress the just grievances of the Sikh community?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : From the statement laid on the table it will be observed that the representation of the Sikh community in these posts is not inadequate.

Statement showing community-wise the posts of Excise Sub-Inspectors, Naib-Tahsildars, Tahsildars and Zilladars held by the residents of Muzaffargarh, Multan and Dera Ghazi Khan districts in the the Multan division.

	Muslims.	Hindus.	Sikhs.	Total.
1. Excise Sub-Inspectors ..	6	5	1	12
2. Naib-Tahsildars ..	19	8	2	29
3. Tahsildars ..	7	5	..	12
4. Zilladars ..	5	5	..	10
Total ..	37	23	3	63
Percentage of population ..	85	13	2	..

JIRGA SYSTEM IN THE MIANWALI DISTRICT.

***3923. Chaudhri Riasat Ali :** Will the Honourable Finance Member please state—

- whether Muslims form 90 per cent. of the population of the Mianwali district and the bulk of that community are agriculturists ;
- whether only the Muslim community of the district is under the operation of the Frontier Crimes Regulation and Hindus are exempt from the operation of that law ;
- whether the Hindus sit as jirga members in Mianwali ;
- if the answer to (a), (b) and (c) be in the affirmative, whether Government intends either to abolish the jirga system in the Mianwali district or to remove this difference in treatment ?

The Honourable Mr. D. J. Boyd : (a) The exact percentage is 86·7. The reply to the second part is in the affirmative.

(b) Hindus are not exempt, but instructions have been issued that cases in which Hindus are accused persons should ordinarily not be tried under the Frontier Crimes Regulation.

(c) Yes.

(d) The composition of the jirga is at the discretion of the Deputy Commissioner, but under section 11 (2) of the regulation it is open to an accused person to object to the presence of any individual member of a jirga. There are in the Mianwali district Hindu gentlemen whose probity and

impartiality is admitted by all, and it is believed that both the accused and the other members of the jirga welcome their presence in a Council of Elders. Government propose to leave the composition of jirgas to the Deputy Commissioner.

POSTS HELD BY HINDUS IN MIANWALI DISTRICT.

***3924. Chaudhri Riasat Ali :** Will the Honourable Finance Member please state—

- (a) whether the Deputy Commissioner, the Superintendent of Police, the section 80 Magistrate, the Public Prosecutor, the Prosecuting Court Inspector, the Circle Police Inspector, the Sub-Judge, the Nammal Canal Engineer, the Superintendent and the Head Vernacular Clerk of the Deputy Commissioner's office are all Hindus in the Mianwali district ;
- (b) if the office of Deputy Commissioner in that district has been held by a Hindu constantly for the last five years ;
- (c) if the answer to (a) and (b) be in the affirmative, whether the Government is satisfied that the rights of the Muslim community are being sufficiently safeguarded ?

Mr. C. C. Garbett (Chief Secretary) : (a) and (b) No.

(c) Does not arise.

SHORT NOTICE QUESTIONS AND ANSWERS.

CLOSURE OF THE BARI DOAB CANAL.

1. **Mr. W. Roberts :** Will the Honourable Revenue Member please state the reasons for closing the Lower Bari Doab Canal from 20th November 1934 to 13th December 1934 ; and also, why this closure, if essential, could not be one month later ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The closure referred to is one in the Rotational Turn Programme of the Five Linked Canals. The preparation of this programme by a Committee of Superintending Engineers is always a matter of the utmost difficulty in view of the clashing of common interests.

This year several programmes were prepared and considered by this Committee including one at the instigation of the Chief Engineer which postponed the closure referred to by twelve days.

As regards supplies, the net result was practically the same, as there is only a limited amount of water available for distribution among all the five canals during the sowing period, each of which must get its proper share of the whole. After very full consideration, the distribution programme, which has been published, was finally accepted as the most suitable for all concerned.

[Hon. Sir Sikander Hyat-Khan.]

Due to there being only one branch on the canal a supply of less than 3,000 cusecs is insufficient to command the other distributaries on the Main Line. This involves periods of complete closure to balance periods of relatively high supplies in order to maintain the total share due to the canal. The alternative is small shares distributed over a longer time which has obvious disadvantages.

SECURITY OF THE "EHSAN" UNDER THE INDIAN PRESS ACT.

2. **Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that Government, under section 7 (3) of the Indian Press (Emergency Powers) Act, XXIII of 1931, demanded security of the *Ehsan* daily, Lahore ;
- (b) whether it is a fact that the Government issued warning to the press on the 10th instant to the effect that it should not indulge in communal controversy with regard to certain cases of Karachi and Kasur ;
- (c) whether the security was demanded on the poem which was published long before that warning was issued ;
- (d) if so, what was the object of the warning when security was demanded on the poem of a previous issue ;
- (e) whether the Government now intends to withdraw the notice ?

The Honourable Mr. D. J. Boyd : (a) and (b) Yes.

(c) Some time before. The actual dates are as follows. Government passed orders requiring security on the 5th of October, on account of the issue of the 29th September. These orders were not served till the 10th of October. The orders issued on the 5th October and the date of the press *communiqué* is the 10th of October. The honourable member will see that this particular notice was issued before the date of the press *communiqué*.

(d) The warning was general and necessary because the bad example set by the *Ehsan* and one or two other papers was being followed by other papers.

(e) No.

Chaudhri Afzal Haq : Which were the other papers ?

The Honourable Mr. D. J. Boyd : The *Zamindar* was one.

Chaudhri Afzal Haq : I am referring to the cases of Kasur and Karachi. The *Zamindar* was not one of the papers.

The Honourable Mr. D. J. Boyd : I can only say that there was a flood of articles on both sides, and it was decided by Government to take security. After that the other papers began to take the cudgels on one

side or another, and there was a risk of a serious communal clash. In order to stop it this general warning was issued, and I am glad to say that it has had some effect though the effect was not immediate.

UNSTARRED QUESTIONS AND ANSWERS.

SCHOLARSHIPS.

1043. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that a certain number of scholarships for matriculation and intermediate examinations are given by Government on a communal basis, that is, while the scholarships are given on merit, the competition is confined to the community concerned ;
- (b) if so, the number of scholarships reserved for the various communities ;
- (c) whether it is a fact that apart from Muslims, Hindus and Sikhs only two scholarships are reserved for "others", both for the matriculation and the intermediate examinations ;
- (d) whether it is a fact that "others" include Jains, Jews, Parsis, Brahmos, Europeans, Anglo-Indians and Indian Christians ;
- (e) whether he will lay a statement on the table showing the names of the communities under "others" that secured scholarships both for the matriculation and intermediate examinations ;
- (f) how the Jains compare with the Indian Christians in point of population ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) Muhammadans	..	..	..	..	15
Hindus	..	..	..	..	10
Sikhs	..	..	..	..	5
And others	..	..	..	..	2

(c) Two scholarships each on the results of Matriculation and Intermediate examinations are reserved for 'others.'

(d) Others include all other than Muhammadans, Sikhs and Hindus. Brahmans are, however, regarded as Hindus.

(e) It is not clear for which year or years the honourable member wants this information. If for the last award then the reply is that under the heading 'others' all the candidates who won scholarships were Jains.

(f) The honourable member is referred to the last Census report of which there is a copy in the Council Library.

JAINS.

1044. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state whether it is a fact that from the religious point of view the Jains have much more in common with the Hindus than with any of the other communities with whom they are grouped; if so, why they are grouped amongst the "others" and apart from Hindus in the Census Report?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I regret I cannot supply the information requested.

INDIAN CHRISTIANS.

1045. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that compared with the Parsis, Jews, Brahmos, Europeans and Anglo-Indians, the Indian Christians are much more numerous in the province;
- (b) if so, whether Government intends to consider the question of treating the Indian Christians in the same way as the three communities,—Muslims, Hindus and Sikhs,—by reservation of scholarships for them; if not, why not?

The Honourable Malik Sir Firoz Khan Noon : (a) Indian Christians form about 46 per cent. of the communities classed as others and about 1·8 per cent. of the total population of the province.

(b) No. It is not desirable to reserve scholarships for a very small minority which is at the same time the most advanced in English education.

The honourable member will perhaps be interested to know the proportional distribution of literates in English per *mille* for the Christians and the three major communities for the province—

Males.

Christians	..	..	..	..	37
Hindus	..	..	..	..	27
Sikhs	..	..	..	..	22
Muslims	..	..	..	..	12

Females.

Christians	..	..	..	..	35
Hindus	..	..	..	..	1
Sikhs	..	..	..	..	2
Muslims	..	..	..	..	1

COTTON PRICES.

1046. Mr. W. Roberts : Will the Honourable Revenue Member be pleased to state—

- (a) whether Government is aware that the announcement of cotton prices usually given at 7 A. M. from Bombay on the wireless has been discontinued;

- (b) if so, whether the Punjab Government has protested against the discontinuance, in the interest of zamindars in this province and ginnerers who rely on this information for guidance in selling or buying *kapas* ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) The fact has been represented to Government by the Indian Central Cotton Committee.

- (b) Yes.

WIRELESS SETS.

1047. Mr. W. Roberts : Will the Honourable Revenue Member be pleased to state the number of wireless sets in use in the Punjab, and how many of these are used mainly for commercial purposes ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The number of broadcast receiver licences now in force in the Punjab is approximately 590, but it is not known how many are used for commercial purposes.

COPYISTS.

1048. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that about eleven years ago Mr. Abbott, then Financial Commissioner, worked out a statement showing what, in his opinion, was the necessary strength of copyists for English as well as vernacular work for certain districts in the province; if so, whether Government will place a copy of this statement on the table;
- (b) the number of copyists actually at work at present;
- (c) whether it is a fact that the number of men at work at present is larger in every district than what was proposed by Mr. Abbott, Financial Commissioner; if so, the reason for this increase;
- (d) whether copyists are given any provident fund, bonus, or pension?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (c) The attention of the honourable member is invited to the answer given to part (b) of the Council question No. *3794¹ asked by Shrimati Lekhwati Jain. It is against the public interest to publish official papers of this kind.

(b) A statement showing the number of copyists in each district on the 31st July 1934, is laid on the table.

(d) No bonus or pension is paid to copyists, but they are eligible to subscribe to the general provident fund.

[Hon. Sir Sikander Hyat-Khan.]

Copyists working on 31st July 1934.

District.	English section copyists.	Vernacular section copyists.	Total.	Government copyists.
Hissar	4	15	19	2
Rohtak	5	9	14	2
Gurgaon	5	7	12	1
Karnal	5	12	17	2
Ambala	12	16	28	2
Sirsa	2	1	3	1
Kangra	9	13	22	1
Hoshiarpur	12	32	44	1
Jullundur	11	22	33	2
Ludhiana	16	23	39	1
Ferozepore	9	22	31	2
Lahore	11	15	26	2
Amritsar	13	12	25	2
Gurdaspur	6	9	15	1
Sialkot	6	11	17	2
Gujranwala	6	11	17	2
Sheikhpura	6	7	13	1
Gujrat	12	19	31	1
Shahpur	7	8	15	2
Jhelum	10	10	20	1
Rawalpindi	7	11	18	2
Attock	4	10	14	1
Mianwali	14	9	23	2
Montgomery	5	11	16	2
Lyallpur	7	13	20	1
Jhang	5	10	15	1
Multan	5	12	17	1
Muzaffargarh	5	8	13	1
Dera Ghazi Khan	1	5	6	2

CLERKS IN THE OFFICES OF DEPUTY COMMISSIONERS.

1049. Mr. E. Mayadas : Will the Honourable Revenue Member please state—

- (a) the pay given to clerks in the offices of Deputy Commissioners possessing qualifications similar to those possessed by a copyist ;
- (b) the future prospects of these clerks ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It is regretted that the honourable member's question cannot be replied to because of its vagueness.

COPYISTS.

1050. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) in what manner the earnings of copyists working in the district courts are divided ;
- (b) whether it is a fact that the earnings are divided equally irrespective of the consideration whether a man has worked more or less, and whether he is a new hand or has been working for many years ?

The Honourable Captain Sirdar Sir Sikander Hyat Khan : (a) and (b) The honourable member is referred to paragraph 40 of the Financial Commissioners' Standing Order No. 5.

COPYISTS.

1051. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that for the Multan division the Commissioner of Multan some time ago worked out a scale, showing the strength of copyists for each district ;
- (b) if so, whether Government will lay a statement on the table showing a comparison of numbers actually employed at present and prescribed ;
- (c) whether it is a fact that the number actually employed at present is larger in every case than what has been proposed by the Commissioner, Multan ;
- (d) in what year the Commissioner, Multan, made the above mentioned proposal ?

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

(b) A statement is laid on the table.

(c) Yes.

(d) In the current financial year.

Statement.

District.	Present number of English copyists.	Number now fixed of English copyists.	Present number of vernacular copyists.	Number now fixed of vernacular copyists.
Multan	6	5	13	10
Dera Ghazi Khan ..	3	1	7	5
Jhang	5	3	10	8*
Montgomery	7	3	13	*Includes one for Chiniot. 6
Muzaffargarh	5	3	8	5
Lyallpur	7	7	14	11

COPYISTS.

1052. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

(a) on the average the maximum number of words that a copyist is required to write or type in an average month's time—

(i) in English,

(ii) in Urdu ;

(b) during the month of April 1934, the number of words per man that were typed or written in the following places—

1. Sheikhpura,

2. Ferozepore,

3. Lahore,

4. Lyallpur ;

(i) in English,

(ii) in Urdu ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No maximum has been prescribed.

(b) The number of words typed or written during April 1934 were—

Serial No.	DISTRICT.	NUMBER OF WORDS TYPED OR WRITTEN DURING APRIL 1934.	
		(i) English.	(ii) Vernacular.
		Per man.	Per man.
1	Sheikhupura	11,500	9,000
2	Ferozepore	37,920	42,800
3	Lahore	41,370	42,600
4	Lyallpur	36,180	38,250

COPYISTS.

1053. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state whether it is a fact that a newly appointed copyist in a district office generally is not able to turn out an average copyist's work, but under the present arrangement receives as much as a copyist with many years' experience; if so, what action Government is prepared to take in the matter?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : As to the manner of distribution of copying fees the honourable member is referred to paragraph 40 of Financial Commissioners' Standing Order No. 5. If any copyists have a grievance about their share they are at liberty to represent it to the proper authority.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.)

Mr. President : The Council will now resume discussion of Diwan Bahadur Raja Narendra Nath's motion that the Bill as reported by the select committee be circulated for the purpose of eliciting public opinion thereon by the 15th February 1935.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan. Rural) : Sir, yesterday when I referred to the effort made by the United States of America to tackle the problem of a similar nature, certain friends of mine were doubtful as to the correctness of the information. For their benefit

[Mr. Nandak Chand Pandit.]

and for the benefit of the honourable members who would like to study this question I just want to quote from two books which deal with this problem in the United States of America. The first one is "The Roosevelt Illusion" by Emile Burns and F. M. Roy. With regard to the debts in the United States of America on page 19 the following figures occur :

The income of the farmers alone had fallen from \$11,000 million in 1929 to \$5,000 million in 1932; their total debts to the banks in 1929 were estimated at \$12,224 million, on which an annual interest charge of over \$600 million had to be paid. To pay this sum out of a total income of \$11,000 million was possible; to pay it out of \$5,000 million was out of the question without real starvation.

In Indian currency the income of the farmers in the United States comes to 15 crores of rupees, whereas the debt owed by them is 36.67 crores and the interest thereon is 1.80 crores. The other book which I shall refer to is "The Future Comes" by Charles A. Beard and George H. E. Smith. This deals with the financial aspect of the question. At page 82 the book says—

Title II of the Farm Relief Act seeks to meet the second of the two major problems harassing the farmer, that of his burden of indebtedness.

On page 83, the book says—

Under Part I of Title II of the Farm Relief Act, amendments to the Farm Loan Act make it possible for the Federal Land Banks to issue farm-loan bonds up to an aggregate amount of \$2,000,000,000 for the purpose of making new loans or for purchasing mortgages or exchanging bonds for mortgages.

Again on page 85, the book reads—

Part 3 of the same Title makes available to the Farm Loan Commissioner through the agency of the R. F. C. a fund of \$200,000,000 for direct loans to farmers for the following purposes: (1) refinancing any indebtedness of the farmer, (2) providing working capital for his farm operations, (3) enabling him to redeem and/or repurchase farm property which was foreclosed at any time after July 1st 1931.

I shall not burden the House with further details, but here is an attempt made by the Government of the United States to take off and pay the debt of the farmer. This is, then, the suggestion that I would put to the Government that if it really is in earnest to help in the wiping off this rural indebtedness of the Punjab, it should take measures of a similar nature. The Bill before the House, if it becomes an Act, will not help the small peasant proprietor or the farmer in any material degree. This is so far as the suggestion which I made yesterday while talking on the usurious loans dealt with in clauses 5 and 6.

Now coming to my speech, I was submitting yesterday when the Council adjourned that I was in full sympathy with the movement that the farmer should not be made to pay heavy rates of interest or heavy compound interest. I cannot possibly understand how 24 per cent. or even 18½ per cent. is regarded as fair rate of interest. It really amounts to pure destruction so far as the farmer is concerned. I would, therefore, support any suggestion which lowers down the rate of interest. I consider it absolutely inhuman that a person who has not the capacity to pay should be made to pay at the rate of 24 per cent. simple or 18½ per cent. compound interest. If, in this respect, I differ from some of my friends on these benches I do so in the conviction that any attempt to raise the rate of interest would, from the point of view of the farmer, be suicidal to his interests. But at the same time I also suggest that there should be no distinction between an agriculturist

money-lender and a money-lender belonging to the non-agriculturist class. As I have said, the rate of interest grows higher and higher as you take away the security which the farmer can offer to a non-agriculturist money-lender. These things act and re-act, and as I explained by an example the real menace to the peasant proprietor is not so much the non-agriculturist money-lender, as the agriculturist money-lender. I gave an instance where an agriculturist money-lender having lent Rs. 23 got a decree for Rs. 7,000 from the High Court. As for the remark from a gentleman on the other side which contained an implication that the judge must have been a money-lender or in sympathy with the money-lender, I can only regard that with contempt because the High Court judges are absolutely above considerations of this kind. Anybody who has had experience of the High Court would realise that the judges there always give their decisions unbiased by any considerations of this sort. If really the future government of the province passes into the hands of the agriculturists, it should be their duty so see that the confidence in the High Court judges is not impaired. It should not be undermined, because it is really the fountain of justice; and if law and order is to be maintained and justice is to be evenly distributed between man and man there should be no suggestion of this nature which is always not only being suggested, but a regular propaganda is being carried on against the judges. (*Hear, hear*).

The true menace to the rural society is not so much the non-agriculturist money-lender as the agriculturist money-lender. Here is a quotation from Darling's Book. "The Punjab Peasant in Prosperity and Debt." At pages 229-280 Darling says—

But if emigration, soldiering and high prices have given the agriculturist money-lender his means, it is the Land Alienation Act that has given him his opportunity. The *sahukar* deprived by the Act of the security of the land, can only lend up to the limit of what can be repaid from the produce; but the agriculturist money-lender, to whom the Act does not apply, can afford to lend up to the value of the land, and with land selling at inflated values this limit is considerably higher. He is, therefore, in the stronger position of the two; and ultimately he is the more formidable, for his object is the land, and to obtain it he will press a client till he is compelled to sell. On the other hand, the *sahukar* depending solely on the produce for repayment, hesitates to drive a client to extremes lest he should give up producing. It might be supposed that the Jat would be the more merciful of the two, as he is dealing with his own kith and kin. This, however, is not the opinion of the countryside. He may charge less at the start and is certainly less cunning in his devices, but must agree that he is harsher in his means. There is truth in the old saying, 'The cock and the crow nourish their families; and the Jat and the crocodile destroy them.' The *sahukar* will occasionally knock off part of his interest, but as a villager in Ludhiana remarked, 'a Jat foregoes nothing—not even a pebble (*giti*).' The Jat, too, being an agriculturist, knows how the cow can be milked, and is able to squeeze the last drop out of his client. Moreover, the *sahukar*, being timid by nature, can sometimes be intimidated, but 'the Jat seizes you by the throat and knocks you down'. As a zamindar said to the writer, if the Land Alienation Act has rescued the sheep from the wolf, it has only been to hand him over to the butcher.

This is a very carefully investigated statement made by Mr. Darling, and if you see the condition in the Muzaffargarh, Multan and Dera Ghazi Khan districts you will find that this Land Alienation Act has done havoc in the rural economy. Therefore if it is intended to relieve the peasant proprietor of his indebtedness the agriculturist money-lender must first be tackled. But the modifications proposed in the Usurious Loans Act do not clearly indicate how this problem of the agriculturist money-lender is tackled.

[Mr. Nanak Chand Pandit.]

No distinction should be made between the two kinds of money-lenders. This much as regards rural credit.

Coming to the next point, on reading the Bill I understand that it is going to be made applicable to the whole province, both rural and urban. That is what I understand by certain changes which have been effected in the Bill. The object of the Bill has been entirely changed. Instead of being a Bill merely confined to rural areas or the agriculturists, now it is sought to bring within its fold communities or classes who were originally not intended to be brought within the operation of this Bill. What is the result of these modifications in the Usurious Loans Act? I cannot possibly understand why as regards people living in commercial areas or people who have got commerce and trade as their main object in life, why any limit should be fixed so far as interest for them is concerned. I really do not understand why a person who is making 40 per cent. profit in some company and borrows at 12 per cent. compound interest should not pay this rate of interest. The whole thing has become a sort of a muddle. The original Bill was intended for rural areas, now it is being extended to urban areas as well, and the result of this action on the part of Government to fix one kind of rate for the two areas is calculated to harm the interests of the commercial and professional classes. The commercial and monied classes earn 40 and 50 per cent. dividends and sometimes even cent. per cent., and there is no reason why you should interfere with the urban economy in this manner. If it is really the desire of the Government that this Bill should apply to the province as a whole, that is, both rural areas and urban areas, then it is only reasonable to ask that the Bill should be circulated again for eliciting public opinion, so that the commercial classes may have something to say as to whether this Bill should be extended to them. The original object of the Bill has been frustrated by the amendments made by the select committee. (*An honourable member*: Which particular clauses is the honourable member referring to?) I am dealing with the provisions dealing with the Usurious Loans Act and the amendments fixing the rates of interest.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan: Have you seen the Government amendments to these clauses?

Mr. Nanak Chand Pandit: Yes, I have received them. I submit that they are acceptable so far as rural areas are concerned, that is, so far as the Bill is applicable to agriculturists as defined by me, that is, the cultivator or the tiller of the soil. I would go still further and cut down the rates suggested by the Government amendments of 18½ per cent. simple interest or 14 per cent. compound interest if the Bill applies only to the tillers or cultivators of land. But I am not prepared to extend this concession to commercial classes. I am not for extending the operation of these clauses to commercial classes who are already alert in the matter of borrowing or lending and who are alert with regard to profit and ultimate gain.

The Honourable Mr. D. J. Boyd: This clause has already been circulated for opinion.

Mr. Nanak Chand Pandit: But now the scope of the Bill has been extended. Instead of saying that this Bill will apply only to rural areas, it is being extended to urban areas also.

The Honourable Mr. D. J. Boyd : It was never meant for rural areas only.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : This part has always been of general application.

Mr. Nanak Chand Pandit : The definition of 'debtor,' 'agriculturist' and so on, show that the Bill is going to be extended to the whole Punjab, rural areas as well as the rich people of urban areas.

The Honourable Mr. D. J. Boyd : Part III of the Bill has always been general.

Mr. Nanak Chand Pandit : The original Bill was intended to provide for the relief of indebtedness and the improvement of agrarian credit in the Punjab. Now, the present Bill is to provide for the relief of indebtedness in the Punjab. The words 'and the improvement of agrarian credit' have been omitted. When the original Bill went to the select committee everybody read it to mean that it was intended for the agriculturists.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Not that particular part of the Bill.

Mr. Nanak Chand Pandit : I am talking of the Bill as a whole. I listened to all the speeches delivered in this Council, and it was always the agriculturist that was talked about.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Has the honourable member seen all the opinions received ?

Mr. Nanak Chand, Pandit : Yes, I have seen them. The Council understood the speeches delivered by honourable members including the Government members to refer to agriculturists, and even now if the original Bill which was referred to the select committee is carefully perused it will be found that it meant to apply only to agriculturists. That was the original object, and now it is sought to extend it to commercial classes and urban areas as well. I submit that if you apply these clauses to the whole of the province, then undoubtedly they will not fit in with the scheme of the original Bill. Then we come to the next part where there is the definition of the debtor. There you will find that it is mainly the agriculturist who is thought of.

3 P. M.

'Debtor' means a person who owes a debt or debts and—

- (i) who both earns his livelihood mainly by agriculture and is either a land-owner, or tenant or a servant of a landowner or tenant, or
- (ii) who earns his livelihood as a village menial paid in cash or kind for work connected with agriculture.

Explanations—

- (i) a debtor shall not lose his status as such through involuntary unemployment, or on account of incapacity, temporary or permanent, by bodily infirmity or if he joins the military or naval service of His Majesty.

If any question arises whether or not a person is a debtor, the decision of a Debt Conciliation Board shall be final.

- (ii) A debtor shall not lose his status as such by reason of the fact that he makes income by using his plough cattle for purposes of transport.
- (iii) A debtor shall not lose his status as such only because he does not cultivate with his own hands.

[Mr. Nanak Chand Pandit.]

- (3) 'Agriculture' shall include horticulture and the use of land for any purpose of husbandry, inclusive of the keeping or breeding of live stock, poultry, or bees, and the growth of fruit, vegetables and the like.

Therefore, what the Bill is thinking of is the agriculturist.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Not necessarily.

Mr. Nanak Chand Pandit : It follows definitely.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It does not.

Mr. Nanak Chand Pandit : They definitely bring in the agriculturist.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : For purposes of that particular part of the Act.

Mr. Nanak Chand Pandit : Then there are conciliation boards and so on. The whole thing is in a muddle.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The intention was to have an omnibus Bill.

Mr. Nanak Chand Pandit : You can make a speech and then make it clear. But this is what I understand. Now what I say is that the definition of the agriculturist should be a tiller of the soil. Make this exception if you will, I have got no objection to it, like involuntary incapacity, and so on. But the moment you bring in the landowner you bring in all those rich people who do not deserve any protection at the hands of the legislature, some who have made wealth by various means which can hardly be called agricultural. That is what I say. Attempts are being made, I actually saw an amendment to be moved by Rao Bahadur Chaudhri Chhotu Ram, to bring within the definition of debtor all members of agriculturist tribes or members of depressed classes, and so on. Now it is sought to confer more favours on those classes which are already in a privileged position, merely on account of birth or caste. So, whatever good points there may be in this Bill which one might discover with a microscope, they are taken away. The Council at present consists of 71 elected members of whom 50 belong to members of agricultural tribes, and with the help of Government benches there is no chance for a fair and proper treatment of this subject. Everybody will be carried away by his own pre-conceived notions and desires for more and more favours and privileges. That is one reason why Rao Bahadur Chaudhri Chhotu Ram with the help of his bloc wishes to rush through his amendments. This kind of thing should not be tolerated at least by Government. Government should not give protection to people who seek privileges and favours on the basis of birth and caste. Some of these people do not deserve any protection at all. They have been making money, and they have been getting lands. As Mr. Darling has pointed out, they have been trying in every possible way to enrich themselves at the cost of the farmer. Government must, therefore, take a warning when granting privileges of this kind.

We then come to another important part of this Bill, the conciliation board. A grave doubt has been expressed in this connection by authorities such as the High Court with regard to the working of these boards. I do not

understand how these boards are going to help either the creditor or the borrower. Here is a man who has to take Rs. 2,000 from a debtor. The matter goes before a conciliation board. Instead of the Rs. 2,000, let us suppose that the conciliation board says that the debtor shall pay Rs. 700. It is a paper in exchange for another paper. Instead of Rs. 2,000 it is adjudged by this board that the debtor shall pay Rs. 700. I could have understood if it was held or decreed that this money should at once be paid or that the conciliation will take place if the money is actually paid into the pocket of the creditor. There would have been some justice in this scheme of the conciliation board if actual money were paid. But no. Only one paper is to be exchanged for another paper. Now what is the good of this? Whom does it help? Does it help the debtor? Perhaps it gives him some sort of sentimental satisfaction that instead of paying Rs. 2,000 he would have now to pay only Rs. 700. Or, does it help the creditor? No. Therefore, a method should have been found to wipe off the debt altogether and to free the agriculturist or the tiller of the soil from the debt that hangs heavily on him or he should give the creditor the amount which the conciliation board decrees, but not allow the matter to go to the court again. That is the main defect which I want to point out in this scheme of conciliation board. Now, if the Government of the future is going to be a Government of zamindars or members of the agricultural tribes, what guarantee is there that members of the conciliation boards will sit on the bench with a clean heart or will not have some prejudices in favour of their own kith and kin. This is the danger; and I sound a note of warning to the Government that by having a scheme of this kind they are not doing the right and proper thing. Everybody knows that the Government in this province is going to pass to the privileged classes, the agricultural tribes. There are now 50 members out of a total of 71. In the future they will get a still larger percentage, and the result of that would be financial chaos so far as this Bill is concerned. Then again efforts should be made by the Government, if they are keen on having these conciliation boards, to see that they should not be used for fraudulent purposes. The amendment which was accepted by the select committee is to the effect that even if one debtor moves the Government for the appointment of a conciliation board, it should be appointed. Now it is very easy for any debtor to come in and put an application, and then this machinery will be put into force. There can be collusion. These are very dangerous things which the Government is launching, and it is the duty of the Government to think twice before making an attempt of this kind. I will not take a long time in dealing with this Bill. What I wish to state and what I have all along been stating is this, that the Bill is not one to relieve the indebtedness of the agriculturist. The result of this Bill would be to strike at the root of credit in this province, and trade and industry alike are going to suffer. It does not in any way help the peasant proprietor. Before I sit down I should like to summarise the suggestions that I have made with regard to giving relief to the peasant proprietor as follows:—

(1) There must be an amendment of the Land Alienation Act. The definition of the agriculturist should be made occupational. His land should be declared to be inalienable, and if out of necessity he is to sell his land with the permission of the Collector, he should be permitted to sell in the open market.

[Mr. Nanak Chand Pandit.]

(2) Government should float a loan in order to help the debtors to repay their debts to the money-lenders, and it should finance the peasant proprietor for proper cultivation.

(3) There must be substantial reduction in land revenue with corresponding decrease in Government expenditure especially by cutting down the high salaries drawn by the Indians in this province. They must show their patriotism by action.

(4) Government should invite Mahatma Gandhi to inaugurate the scheme of small industries in rural areas for the uplift of rural classes. If it is afraid of Mahatma Gandhi then they can invite others who are ready to co-operate with Government in this scheme.

(5) One other point I will emphasise which I did not mention, and that is that educated men should be settled in each village who will make agriculture their profession. This is the need of the hour. There are thousands of educated youngmen who are well-known for their willingness to start as agriculturists in the villages and give help to the villagers as to how agriculture should be carried on and who would be helpful, I submit to the Government very respectfully, to carry on the propaganda for sanitation and other good things for which every effort is being made by Mr. Brayne. Here also I would call attention to a few words from Mr. Darling. He deals with this subject at pages 187, 188 and 189—

Viewed in its relation to agricultural progress the Act may be challenged upon two grounds. In the first place all protection, if continued indefinitely, weakens what it protects. The child whose hand is always held will never learn to walk; and the cultivator who is always protected will never learn to be independent. A generation ago, in all affairs of business, the peasant was as helpless as a child and no doubt required protection, but now, thanks to co-operation and its 90,000 village banks—

Then with regard to the argument that agriculture must be confined to agricultural castes—

In a country where occupation and aptitude are largely determined by heredity and caste, this is a point of view that must command respect, but it is not one that is entirely endorsed by experience. In at least one part of the province, the south-west, agriculture owes much to the townsman. As long ago as 1859 the comparative prosperity of Multan was attributed mainly to the efforts of wealthy landowning *Kirars*, who by their labour and capital had greatly improved the productive power of the soil.

Dealing with this subject he has said that the Act must be amended in order to give the intelligentsia a chance to improve agriculture. At page 189 he says—

It may, therefore, be doubted whether the townsman will be more of a burden on the land than the wealthy zamindar, for whom, as a rule, there is little enough to be said. It is even possible that, with his superior education and commercial flair, he may introduce the very element that a backward rural society requires; and in any case he should provide a useful stimulus to the ordinary landlords, who will be all the better for a little competition. It should be remembered, too, that the urban landowner of the future will not be quite the same as the non-agriculturist of the past, who was generally nothing but a money-lender and trader combined, for in the last thirty years a new intelligentsia has sprung up in the towns, who, if they could be persuaded to study rural problems, might do something for their solution. In the writer's opinion, therefore, the time has come to consider whether the Act should not be amended.

These are the wise words written by Mr. Darling some years ago. During the intervening years there has grown up a large number of educated but

unemployed youngmen who loiter from place to place, and who are prepared to take up agriculture as their profession, if only Government would give them proper facilities and remove the hardship of the Land Alienation Act. Such a step would be useful both to the peasant proprietor and to the country, and the peasant proprietor's purchasing power will be greatly increased. That is really the plain problem before the province of the Punjab, and I hope that the Government will take these suggestions, if it is really anxious to relieve the misery of the peasant proprietor and the cultivator and of the people who live in rural areas, into consideration. Therefore I would submit that so far as this Bill is concerned, in my humble opinion it defeats its very object. It destroys the credit and it does not help the small peasant proprietor whom we are all anxious to save (*laughter from the Unionist benches*). Chaudhri Chhotu Ram laughs. He is the only saviour of the small peasant proprietor (*hear, hear, from the Unionist benches*), but he has shown by his actions that he is not prepared to meet the suggestions which I have made. The reason is obvious. He himself belongs to an agricultural tribe, the privileged caste, and hence all this laughter and ridicule which is being cast upon the suggestions which have been accepted by such an advanced country as the United States of America. However, laughter will not stop me from placing these suggestions before the House. I am going to ask the small peasant proprietor to see wherein lies his proper interest, whether in accepting the scheme of things placed by the Government before the Council or whether the one adopted by the United States of America. Let Sardar Arjan Singh say what he likes. I do not mind it. The peasant is astute enough to-day. He understands what is really for his good. He is not prepared to be carried away by shibboleths and slogans. He really wants to know who really puts the bread in his stomach and he understands these things, and the time is bound to arrive when suggestions made by me will be accepted by him. Therefore, I submit that it will not be long when these privileges will be destroyed. I have placed these matters before the Joint Select Committee, and I am going to send this debate to the members of Parliament (*hear, hear*). I am not one of those who are deterred by obstructions of this kind. I believe that there is something noble in every human being. Let me pay this tribute to Lord Lothian and his colleagues that one single voice of mine was heard by them, and they accepted the suggestion that I made. Chaudhri Chhotu Ram knows it.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I hope that it has not delayed the progress of reforms.

Mr. Nanak Chand Pandit : The suggestions with regard to agriculturists and non-agriculturists will, I hope, be accepted to some extent in spite of the fact that mine was the only voice to be raised in this connection. But I must admit that there is something noble and grand even in the meanest of men and if our cause is just and fair, the cause of the small peasant proprietor, the cause of the poor, it will appeal to the members of the Parliament, if not to these Government benches, most of whom I know think as I think and feel as I feel, but as they are part of the machine they may not vote with me. That is all I have to say.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) : My learned friend who has perhaps come here because he approached certain big zamindars and landowners in the Hoshiarpur district who in their turn

[Shaikh Abdul Ghani.]

A approached their tenants and peasant proprietors and their fraternity who voted for him, should not have risen to say that these zamindars are a curse to the community. He has not only to-day taken all the time of the House so far but the other day also he took most of the time of the House in denouncing the Land Alienation Act and the amenities that he thinks are open to zamindars, big and small, of this province. The motion before the House is whether this Bill should be circulated for eliciting public opinion and what the learned member has been saying has got absolutely nothing to do with the motion before the House. He began by giving us a lengthy address on the evils of the Land Alienation Act and by criticising the different provisions and he gave certain illustrations of how the bigger fish was eating up the smaller fry. After all we all know that this is a stale argument which has been repeated *ad nauseam* on every platform, in every meeting in which non-agriculturists predominate and this carries us nowhere so far as this Bill is concerned. We are not at present considering the repeal of the Land Alienation Act. No doubt that is a class legislation and as a representative of the urban population of the divisions of Rawalpindi and Multan if I get up and oppose class legislation there may be some justification for it, but the honourable Pandit being a representative of the zamindars and being here because of their votes I do not think it is fair for him to turn round and launch a ruthless campaign against a measure of this nature. Anyhow, I know as everyone else here does, that some sort of protection is to be given to certain classes in a society and the jurisprudence of every civilized country is replete with instances of this nature. That is called class legislation. Alienation of Land Act may be a class legislation, it may be an evil, and I admit that to a certain extent it is an evil, but after all it is a necessary evil and has to be tolerated. If you want your society to prosper then these agriculturists should be saved from the excesses of the money-lenders, be they agricultural money-lenders, or commercial money-lenders or any other community engaged in this trade. Now the position is that commercial money-lenders as a matter of fact have nothing to fear from this legislation. Commercial money-lenders would never go out of the town to advance money to the zamindars of the village. The agricultural money-lenders would be as much governed by the Bill as the ordinary money-lenders. The agriculturist money-lender is in no better position than the ordinary money-lender and my honourable friend's argument does not mean anything at all. It is due to a misconception of the provisions of the Bill. No such class of money-lenders is contemplated by it. Then my learned friend went on to say that the constitution of the boards was not satisfactory and that the boards would be passing decrees, they would be adjudging claims and that that would upset the course of justice. Here again my impression is he has not gone through the provisions of the Bill carefully. Under the provisions of the Bill the boards have got nothing of this sort to do. They cannot adjudge, they cannot pass a decree in the way my learned friend apprehends. All that they can do is to give advice. If that advice is accepted, well and good; they will pass a decree and that decree will be in conformity with the wishes of the parties. The boards cannot pass an independent decree of their own accord. All that they can do is to certify a certain act to which the parties have given their consent. If as a matter of fact the parties do not agree and if the money-lender for

whom my learned friend has got such great sympathy, and for whose welfare he entertains great fears, is disagreeable, all that the money-lender has to suffer is that when he comes before a court of justice subsequently with a suit of his, he will be told that he cannot get interest after the certification and he cannot get costs. That is all that he stands to lose. It is wrong to say that the matter is adjudged by the board and that a decree is passed and that the money-lender would be forced to a particular settlement against his will. With respect to interest my learned friend was generous enough to admit that he would not be supporting those who advocate a high rate of interest. It is very generous of him and I think no fair-minded gentleman here will rise to support an excessive rate of interest. The rates have been carefully considered by the select committee and they have placed it at a reasonable percentage. I am glad that we have at least here secured the support of my honourable friend over there, who is a representative of the zamindars.

There was another objection raised the other day by my honourable friend, the Raja Sahib for whom I have got very great respect. Here again it is possible that there has been a misapprehension. The Raja Sahib referred to a provision in the Bill wherein it is said that the Bill would apply to pending suits. The Raja Sahib was not right when he said that this would mean that when this Act comes into force the suits will have to be retried. There is another clause in the Bill, clause 24, which says that pending suits will be stayed when an application is made to a board with respect to a subject matter which is already before the court. (*Diwan Bahadur Raja Narendra Nath*: That occurs in a different part of the Bill altogether, part IV, while I referred to the provision in part III). I may explain my point. A matter is brought before a board and suppose with respect to that there is already a civil suit pending. That civil suit will be stayed. After the board has disposed of the matter, if the parties are satisfied it will be unnecessary to proceed with it. But if they are not, then there will be no necessity of any further proceedings and the pending suit can be revived. Though clause 24 occurs in a different part, I do not think its application is restricted. There is nothing in the Act which excludes the application of section 24. Suppose the fears entertained by my learned friend were correct, what would be the effect?—I mean the fears which have led him to propose that the Bill be re-circulated for eliciting public opinion. The Bill has gone round already once. It is here in black and white and it has to apply to pending suits. If you at this stage do not proceed with the Bill further but send it back for eliciting public opinion, the money-lenders being a clever lot will take advantage of it and would rush to courts with a crop of suits. There will be a multiplicity of cases, the courts will be flooded with new cases and the man whom you want to protect, the peasant proprietor, would have to thank his stars and would pray to be spared of his benefactors. There will be many decrees against him, many executions against him, many warrants for his arrest, many orders for attachment of his cattle and within a period of six or seven months practically he will be ruined. By the time this Act comes into force the mischief would be complete. It is rather an argument the other way.

With respect to the Bill it was remarked the other day by you, Sir,—I would very respectfully beg to differ on the point—that there has been a

[Shaikh Abdul Ghani.]

material alteration in the Bill. Delete the three clauses about which the Government and the Unionist Party have made a compromise. What is there left in the Bill except certain amendments here and there, the reduction of the rate of interest or doing away with compound interest altogether? Does it mean that the Bill has been so altered that it should be re-circulated for public opinion? I do not think so. There is nothing important left in the Act. On the vital questions—I do not know the facts, I was not present at the meeting but the honourable Leader of my party will excuse me if I say that he has committed a fatal mistake. For instance, if you take away the last clause which throws the onus of proof of debt on the creditor what is left there? The Division Bench ruling of 1926 in which the learned judges say that as soon as the creditor has proved the execution of a document the onus of consideration lies on the debtor has wrought a fundamental change in the law. It is for the debtor to prove that he did not get the consideration. Anybody who is acquainted with the working of courts now-a-days knows full well what is done. When a suit is brought and the documents have been filed, the court at once examines the creditor. He says: Here are my accounts, they are quite correct and here is the thumb mark of the debtor. The thumb mark is indeed there and the debtor is examined. He is asked, is this your thumb mark? He may or may not admit it. If he denies it it is sent to the finger print bureau. If the mark corresponds with his so far as execution goes the document is proved. It lies upon the debtor now to prove that he did not get the money. When he is admitted or it is proved that thumb mark is his, he is left to disprove the consideration. What a mockery and yet this is the law! Our party and our Leader agreed to the deletion of this clause. It is a suicidal step. Every one knows, every lawyer knows that there is practically nothing in the Bill which gives any considerable relief. The Bill, as it is, does not help the debtor, the peasant, to any very large extent. He has still to prove that he did not get the money. If the Government had done away with all the unwholesome provisions of the Bill, I mean disagreeable to the opposition and retained this one, I would have been glad over it. But with this provision deleted, with the onus still on the debtor to prove that he did not get the money, I ask, what relief is actually given to the debtor? He has to prove that he did not get the money, he has to prove that all the various items entered in Hindi in the account books from year to year have been falsely entered which is an impossibility. It is an impossible task that is imposed on him. It is but right that honourable members on the other side realise that the Bill as it is, is quite ineffective and in their heart of hearts they are jolly glad over it. But after all you have to put up appearances. They would not even give the little that Government are prepared to give or that our party, the zamindar party, simple people that they are, claim to get out of this measure. Honourable members on the other side seem to be prepared to fight it inch by inch, but I think it is a mere waste of time. The Bill seeks to effect nothing more than reduce the rate of interest and take away compound interest with respect to which I find the Honourable Finance Member has already given notice of an amendment. There is nothing material left in the Bill. I submit, therefore, that no case has been made out for a re-circulation of the Bill. There is absolutely no justification for taking any more time on the motion. It is a waste of time and

public money. The delay in passing the Bill should be as little as possible because by the time all the procedure is gone through, and the Parliamentary practice is followed, the man whom you want to save would be done away with.

Shrimati Lakhwati Jain (North-East Towns, non-Muhammadian, Urban), (*Urdu*): Sir, I am extremely pained to see that communal complexion is being given to this Bill. One section of the people is crying that the Mussalman will be ruined if this Bill is not passed into law and the zamindar will be utterly crushed if it is re-circulated to elicit the public opinion thereon, and another party is pressing hard for its re-circulation. It is not proper that the Muslims or the Hindus should give this Bill a communal colour. The question now before us is not whether the Muslim will be saved by the passage of this Bill or the Hindu will be crushed by its coming on the Statute Book. What we have to decide is whether or not it should be re-circulated to elicit the public opinion thereon. Some honourable members on this side of the House have adduced arguments to show that it should be. There are others, however, who have severely criticised the remarks of the supporters of the re-circulation motion. They have exhorted the Government not to pay heed to the persuasions of the supporters of the re-circulation motion. They fear that if the Government agrees to the request of the Hindu party, the zamindars, and most particularly, the petty zamindars will be ruined. But, we on these benches are equally anxious to protect the petty zamindar. Some people say that swaraj can be achieved by going to temples, others hold that we can achieve it by praying in mosques. But my belief is that the temple of swaraj lies along the path of service of the petty zamindar. (*Hear, hear.*) We will get swaraj by serving the poor people. We know that these people are starving and their children are undergoing untold hardships. If we help these people the goal we want to reach will come much nearer. This is what we believe and this is what has been my belief personally. When my election was held Mr. Duni Chand was making propaganda that if I was returned this Hindu seat will go, as it were, to Chaudhri Chhotu Ram. He said so because he knew that I had great sympathies with the zamindars. (*Laughter.*) Mr. Duni Chand and Malviya know my views fully well. I have always thought and preached that the Hindu-Muslim unity is necessary for us if we want to achieve anything in the political field. So long as the Hindus and the Mussalmans do not unite like the Ganges and the Jumna they will not be able to pass even by the side of the temple of swaraj. (*Cheers.*) If I were to shed a single drop of my blood for the cause of Hindu-Muslim unity, I should consider that one drop more precious, more valuable, more usefully-spent than the whole blood in my veins. If I oppose the passage of the Bill now before the House it is because I feel that its passage will widen the gulf of hostility between the Hindus and the Mussalmans. Let the Government rush through this measure and the Hindu-Muslim unity will become an impossibility in this province. Then, why should the Government be too hasty? This Bill can well wait for a few months. The zamindar will not be subjected to any more hardships during the coming six months or so than he has been already. It is the duty of the Government, moreover, to invite the attention of the people of the province to the changes that have been made in this Bill, and give them the opportunity of expressing their opinion about the Bill as it has emerged

[Shrimati Lekhwati Jain.]

from the select committee. It is not a question of now or never. The Government can pass the Bill whenever it likes. They have a very safe majority in favour of the measure. But I want to point out that no law can be successfully imposed merely by satisfying the majority and securing its consent. History tells us that whenever a majority has tried to trample under foot the rights and privileges of a minority that majority has been ruined. Instances of the Romans and the Danes, Buddhists and Brahmins and Mussalmans and Sikhs point out the same fact. I take this opportunity of sounding a note of warning to the Government that the results of passing this Bill into law with the help of the majority without paying any heed to the protest recorded by the minority will be most disastrous for the peace of this province. Yesterday, Chaudhri Riasat Ali said that as some people were definitely in favour of this Bill and some were definitely against it and neither the supporters nor the opponents of the Bill were likely to be converted to each others' view, the re-circulation of the Bill would be merely waste of time and money. He may be right. But it is a sound principle to place a Bill before the public, a Bill that has been materially changed by the select committee. It is the right of the people to express opinion on the changed form of this Bill and this House should not deny them their right. I will not say that the honourable member has not studied the opinions that were received on this Bill when it was circulated last time. But if he had done so, he would have been convinced of the controversial nature of this Bill and would have not opposed this motion. He would have certainly supported it. He is not unmindful of the fact that there is a third party in the province besides the supporters and opponents of this Bill, I mean the English people. They have nothing to gain or lose by the passage or rejection of this Bill. It would be in the fitness of things, therefore, to know the opinion of these people about the changed form of this Bill. The honourable members of this House are aware that the District and Sessions Judge of Ambala who is an Englishman vehemently opposed this measure. We cannot say anything against the unbiased opinion of such people. Then, we must know the opinion of the judiciary, sub-judges, senior sub-judges and judges of the High Court of Judicature should be equally consulted. We should not pass a law of such vast implications without enquiring the opinion of the high judicial authorities. I would, therefore, request the honourable members on the opposite benches not to oppose this circulation motion. They need not fear that the Bill will not be passed at all if it is circulated at this stage. They can pass it any time. Moreover, I for one, am not against the idea of giving relief to the petty zamindar. In my speech at Simla I made it abundantly clear that I had as much anxiety for the welfare of the petty zamindar as any honourable member on those benches. My fear, however, is this that the Bill in its present form does not give any relief to the petty zamindar. It does give much help to the big zamindar for whom no one of us need feel any solicitude. Furthermore, I will put a direct question to the honourable members opposite. They have not provided for the safety of the merchants of the province. Have these people no children to feed? Have they no one to look after? Do they not stand in need of bread and clothing? Why should this Council not look after their interests as well? The zamindar has been styled as the back-bone of this province. But the merchant class is the heart of our body-politic.

If there is no heart, of what use will the back-bone be? We should, therefore, show as much solicitude for the welfare of the merchant as we have for the peasant. I will not take much of your time. I have only to make this submission that the Government will not do any good to the people of the province by passing a controversial Bill of this type within three days and without inviting the opinion of the public on it. After all the Government is not to lose anything if this Bill is circulated for another time. May be, they think that there will be great agitation over it if it is referred to the public a second time. But they should bear in mind this fact also that if this Bill is passed into law without knowing the opinion of the public and without effecting any healthy change in it the agitation against it will assume very dangerous proportions. The Government must have received information that resolutions were passed by merchants and money-lenders of Lyallpur and other places to the effect that they would boycott British goods if this Bill is passed and if they are not able to do without foreign goods they would prefer to buy Chinese or Japanese goods. But they would cease to buy British goods in any case. Moreover, the merchants have resolved to refuse to lend money for purposes of paying land revenue. If this Bill is passed in its present form and the merchants and money-lenders carry their threats into effect the Government will not be able to realise land revenue from the zamindar because it is with the sahukar's help that the zamindar has been paying his land revenue and other Government dues. The Government should be mindful of these warnings and not disappoint these people by rejecting this circulation motion. No havoc will be wrought with the zamindars' resources if this Bill is held up for another five or six months. Even if some decrees are passed against them in the meanwhile as is feared by some people, they will be of no use. Their value will be nothing, because the conciliation boards are authorised under the proposed law to reduce the sum decreed. Of course the zamindars are in trouble, but we should not lose sight of the importance of

4 P. M.

public opinion. The Government, being sure of their majority, should not hurriedly pass the Bill into law. But if they attach little importance to public opinion, they need not have circulated it even in the first instance. They might have passed it into law then and there. But that is not the case. The Government realise the importance of public opinion. Anyhow the Bill as it stands destroys the rural credit and renders the payment of past debts impossible. Supposing a money-lender presents an application to the conciliation board and the debtor is summoned. The latter will say that he never refused to pay but he could not pay his debts and that the creditor had rather insulted him for which he would sue him in court. Thereupon, the board dismisses his application and the sahukar fails to recover his money. But if at all the sahukar succeeds in his attempt and gets a decree, he will not be able to recover the amount due to him. The debtor will also urge that interest on the money borrowed by him should be wiped off because he cannot pay even the principal. Under the existing law a warrant of arrest can be issued against the defaulting debtor, but this Bill, if passed into law, will let him off scott free. Besides, the board is empowered to grant decree of whatever amount it thinks fit. It may grant a decree of two or three or four hundred rupees instead of one thousand rupees. This is unfair. I would, therefore, appeal to the Government to consider the whole

[Shrimati Lekhwati Jain.]

situation most dispassionately and re-circulate the Bill for the purpose of eliciting public opinion thereon. And if they fail to do so, I would once again warn them against the serious consequences of the step they are going to take. With these words I strongly support the motion now before the House.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural) : Sir, I have listened very carefully to the rambling speeches from the other side and from what I can gather from them I have to conclude that unfortunately in this country every problem is looked at from a communal point of view. Not only that. Some uncharitable people even accuse, or suspect Government of partiality with one party or another. They forget that no Government can exist unless it is broad-based on principles of impartiality, generosity and justice (*hear, hear*). That is the fundamental principle which the British Government here has always kept in view when dealing with the people in this country. The British people who are past masters in the art of Government realise fully that in the contentment and prosperity of the people lies their strength. It will not be inappropriate to quote Sa'adi on this subject—

رعیت چون بیخ است - سلطان درخت

درخت است - پسر باشد از بیخ - حکمت

which rendered into English means—

The subjects are like the roots of a tree and the king like a tree.
The tree grows or remains firm and strong by the strength of its roots.

This is the principle which the Government has always kept in view. It was in pursuance of this principle that the Government during the past two or three decades finding that the peasants or zamindars were labouring under some great disabilities brought forward various Acts such as the Punjab Alienation of Land Act, the Co-operative Societies Act, the Regulation of Accounts Act and so on. But experience has shown that all these various Acts have not been a panacea for the ills of the zamindars and that is the reason why Government has come forward now with this new Bill. I must say that even this is only a palliative and does not go far enough. Anyhow, half a loaf is better than none.

A good deal has been said about the change in the title or in the clauses of the Bill. I would like to ask honourable members on the other side, as to what fundamental changes have been brought about in the Bill. Controversial points have been practically omitted by the Leader of the Unionist Party and here remains nothing in principle which is new. The old principles remain and the changes that have been introduced are of a degree only. Thus instead of 60 per cent. of the creditors, it is proposed to substitute 40 per cent. of creditors. Even this amendment has yet to be accepted by the House. Every one who is fully acquainted with the condition of the zamindars will feel that no time should be lost in saving them as otherwise every month that passes will add to the burden of the zamindars. It is an open

secret that the zamindar is every day sinking lower and lower in the quagmire of indebtedness and unless this Bill is passed soon his condition will be beyond redemption, and there will be no power on earth that will be able to save him.

تا تریاق از عراق آورده شود مارگزیده مرده شود

which rendered into English means, by the time the antidote is brought from Mesopotamia the snake-bitten will be dead. This question seems to be a sort of a tussle between the sahukar and the zamindar. The sahukar must remember that in reality if this Bill is passed it will be in his own interest. The interests of sahukars are mainly bound up with those of the zamindars. If the latter are prosperous the former also will be prosperous. If the zamindars are poor the sahukar cannot get anything from the former and there will be only unrest in the country.

It has been said that the Bill does not go far enough. I agree with the remarks of Mr. Nanak Chand suggesting measures which Government ought to adopt or could have adopted earlier. The Government should have started a sort of sinking fund or agricultural banks which should pay up all the debts of the zamindars. But that too will not prove effective unless we tackle the rate of interest. Unless some measures are adopted to stop this perennial source of indebtedness, no measure adopted by Government will alleviate the sufferings of the people. In this connection Mr. Nanak Chand read some quotations from Mr. Darling's book. I should also like to read a quotation from 'Conflict, Angora to Afghanistan' by Rosita Forbes. The authoress is a very learned lady and after going through all the countries she has recorded her experiences. This measure has been brought forward not only by this Government but by every Government where agriculture, the only industry, is faced with this difficult and complicated problem, for instance Germany, Roumania, Hungary, Rhodesia and others. After describing the pitiable condition of the Arabs who were being ejected from their lands, the book says—

A new Agricultural Bank is, I believe, one of the measures projected for the relief of farming, but it will not suffice to remedy the present unpalatable situation unless rigorous measures are taken for the suppression or regulation of money-lenders. In Rhodesia, I am told, the government at one time bought up all outstanding native debts to money-lenders at a reasonable rate of interest and allowed the debtors to repay the principal slowly, with interest at nine per cent. per annum. If this could be done in Palestine, it would free the Arabs from the worst tyranny they have suffered since the days of El Jezrani the Butcher.

Some such measure is also needed in this country in addition to this Bill. (An honourable member: Do you recommend this to the Government?) Yes. But if it merely passes this Bill and then sits with folded hands it is no good. It will have to adopt the other measures also or some other drastic measure will have to be adopted for clearing off the debts. Unless that is done there is no hope. Government can have a sinking fund or raise a loan. It is only a question of 300 crores. Now the debts are estimated to be about 200 crores but every month that will pass, if the Bill is not passed now, will add another load of 8 crores on the shoulders of the debtors. The Bill will have to be passed in the interests of the people as also in the interests of the sahukar. It is Government's duty to protect all classes

[K. B. Malik Zaman Mehdi Khan.]

of people. If the zamindar is poor and cannot pay the land revenue or the sahukar's debt, what will be the result? Unrest in the country, more assaults on the sahukar. I do not hold out any threat. But that is the natural result. It has happened in Palestine. It is said that there are 1,600 people in prison camps. If the people have been compelled to part with their lands, they must either starve or steal. That is bound to come and then the Government will be compelled to come to the protection of the sahukar by posting additional police and that means additional burden on the people. It will be in the interests of the zamindar as well as the sahukar and also in the interests of the Government to pass this Bill. The honourable member, Shrimati Lekhwati Jain, has said that she is prepared to shed her blood so as to give some assistance or succour to the zamindar. It reminds me of a proverb—

میر جان طلبی مضائقہ نیست مگر زر طلبی سون درین است

which means if you want my life I have no hesitation, it is at your service; but if you want my money that requires consideration.

It is very well for the honourable lady member to shed crocodile tears and to offer sympathy with the zamindar. But can she or any member from that side bring forward a case in which a shylock has ever shown any real sympathy with the zamindar? I would, therefore, not only deprecate the re-circulation of this Bill but I strongly oppose it for the reasons which I have given.

Rai Sahib Lala Labh Chand Mehra (Nominated, non-official), (Urdu): Sir, in view of the duties I owe to the Government, to this House and in fact to this province, I feel myself called upon to oppose the Bill now before the House. In my opinion the Bill as originally introduced by Government was an objectionable and iniquitous measure. But since the Honourable the Finance Member in his speech while moving that the Bill be referred to a select committee, assured the House that with regard to certain abnoxious provisions of the Bill the Government were not committed one way or the other and that they would be quite prepared to accept all reasonable amendments that may be proposed by the select committee and since, with regard to the provision relating to the establishment of conciliation boards, the Honourable the Finance Member was pleased to remark that Government themselves did not believe this as a solution of the problem but because they could not do otherwise, they had put it in the form of that provision and that if, however, the Council considered that they would not serve any useful purpose, Government would not regard them as an essential part of the measure, I did not oppose the Bill at that time expecting that the Bill would emerge out of the select committee shorn of its objectionable portions. But I am altogether disappointed to find that the Bill as reported by the select committee has become all the more objectionable. The clauses about which the trading public had already expressed their strong resentment have become more stringent so much so that if the Bill as it stands, is passed into law it will not only deal a death blow to the money-lending business, but it would seriously affect the credit and trade of the province. It is the case of a goat being slaughtered without pleasing one who eats its flesh. The

money-lenders and traders will be ruined and the zamindars will gain nothing, for the present Bill is not likely to remove the causes of rural indebtedness or in any way to improve the agrarian credit. That this fact is admitted by the members of the select committee is proved by their having removed the words "For the improvement of the agrarian credit." from the objects of the Bill. I do admit that the zamindars have fallen on evil days. I do feel that it is the duty of Government to improve their lot by affording reasonable relief to them, for in their well-being lies the prosperity of the whole province. But the manner in which the Government want to help them is as unfair as undesirable. The burden of relief that may be afforded to zamindars should fall on the whole province. It is really unfair to rob Peter to pay Paul. The money-lenders who have been helping the zamindars at the time of their need, by lending them their hard-earned fortune should not be made the scapegoat.

Sardar Arjan Singh : Question.

Rai Sahib Lala Labh Chand, Mehra : The money-lenders have given to the zamindars all they had in the form of loans. It is already very difficult for them to recover their debts, for many debtors who can really afford to pay have dishonestly taken recourse to insolvency proceedings. For God's sake do not simplify the insolvency proceedings by passing this Bill into law, otherwise it will mean nothing but help to the dishonest in their dishonesty and to tempt even the honest debtors to adopt dishonest ways to avoid payment of their debts. With regard to the system of compound interest I would simply say that it exists from time immemorial and being based on certain very sound principles is still in vogue in all the civilised countries of the world. To deprive the money-lenders of the benefit of compound interest is an absurdity pure and simple. The framers of this measure have admitted the principles of compound interest by making it lawful in case of transactions with the Government co-operative societies and banks. Is it not unfair that you allow banks compound interest but in the case of money-lenders you deem it excessive and consequently unlawful? Similarly to fix a rigid limit for rate of simple interest is objectionable. A rigid limit would be impracticable, for the rate of interest always depends on the need of the debtor and his capacity to pay back the sum due from him. When the money-lenders themselves cannot get money from the banks at 8 per cent. per annum interest, how can they advance money to the zamindars at that rate?

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

I may point out that sub-clause 2 of clause 5 is so stringent and so harsh as will stop all dealings in money matters when it is acted upon. Perhaps it has not occurred to my friends on the opposite benches that there is difference between one immovable property and another immovable property, between one movable property and another movable property. One immovable property can reasonably be expected to pay interest on loans advanced on the pledge of such property, from its rent, etc., and similarly one movable property which is worth much more than the loan advanced, about the price of which there is no fear of great fluctuation and which is not perishable. On the pledge of such properties it is possible to give or get loans at the rate

[R. S. L. Labh Chand, Mehra.]

of interest prescribed. But on the security of an immovable property which cannot pay the interests from its income, or the movable property where there is fear of great fluctuation of price or which is perishable, it is too much to expect any money-lender to lend money at 8 per cent. interest, at such a rate and on such a security which even banks are not prepared to advance any loan as I have already said. Hence it is clear that by insisting on the retention of this provision you will stop in future all such business and instead of helping the poor agriculturist, you will increase his difficulties. There is another point in this connection which the House may like to take into consideration. It happens in not a few cases that an immovable property is pledged to one person for a loan taken at a particular rate of interest. Then the same property is pledged to another person for another loan and it cannot be reasonably expected that this second loan will be advanced at the same rate of interest at which the first loan is advanced. If you were to keep all such cases in mind you will be forced to the conclusion that it will not be in the interest of the debtor to fix such a rate of interest as has been fixed by this clause.

Coming to clause 6 I shall be content with saying that it is very unjust and iniquitous as it interferes with lawful contracts already entered into. Proceeding to clause 7 of the Bill *re* debt conciliation boards I find that there are many serious objections against it. In this clause the banks have been placed beyond the reach and operation of the Bill. In other words this Bill is a direct attack on money-lenders alone. It is apparent that it is intended to crush that institution of money-lending which has undoubtedly proved very useful for such a long time and which has been rightly described as the back-bone of rural economy. I am sure that the House will not permit things going to such a pass. While on this point, I may also say that the definition of the word 'debtor' is too wide. I should think that in this category only those persons should be included who till lands with their own hands or who are labourers and who have no other source of income or means of livelihood. No vakils, no barristers, no Government members and such other big men who have other sources of income besides lands should be afforded protection by this Bill. It will be most unreasonable to do so. I may also be permitted to submit that it is highly improper and unjust to give the conciliation boards final authority to decide on a question of such nature arising whether a person is a debtor or not. Again the definition of "Agriculture" in the same section or clause of this Bill is very wide, elastic and indefinite. In the presence of the words "and the like" in this clause nearly all professions can be safely included in the profession of agriculture. As an illustration I shall refer the House to tea making industry. According to the definition given in the Bill this industry is sure to be included in the profession of agriculture, although it is really an industry. Government itself consider it as an industry and not as agriculture as income derived from it is assessed to income-tax (*A voice*: Over and above land revenue), yes over and above land revenue as in the case of some house property. I may hazard a suggestion in this connection and that is that all professions which are assessed to income-tax should by an implicit provision in the Bill, be placed on a different footing. That will make the position very clear. To further illustrate my point I may submit that

according to this definition such a person will also take advantage of it who grows only 50 maunds of wheat but who also purchases thousands of maunds of wheat with a view to selling the same at a profit. To make it impossible for men like these to benefit by the provision of the Bill the definition of the word 'agriculture' should be made more clear and explicit.

Now with regard to the setting up of debt conciliation boards, the select committee have not given weight even to the opinion of the Honourable judges of the High Court. I think I shall do well to quote here the relevant portion of that opinion and it is as follows:—

Nine of the Judges are of the opinion that the proposal is unworkable. If the members of the proposed Boards are salaried officials, the burden imposed on the tax-payers would be excessive, if they are non-officials working on an honorary basis, there is almost a certainty of in-efficient working and abuse of powers, owing to that same party feeling which has so often prevented Panchayats from functioning satisfactorily. If, however, Government insist on the experiment eight Judges consider that the important safeguards contained in clauses 12 and 13 of the Central Provinces Debt Conciliation Bill should be introduced. These safeguards—concurrence in the settlement by creditors to whom a minimum of 60 per cent. of the debts are due and recovery of the sum decreed as arrears of land revenue are, they hold, essential features of the Central Provinces Bill and without them the whole scheme fails.

It is not necessary for me to say that unless it is made known as to what kind of men will be nominated to these boards, it is useless to expect that they will command the confidence of the debtors and creditors alike.

Khan Bahadur Nawab Chaudhri Fazl Ali : If it has been easy to secure the services of capable men as judges of the High Court from the agriculturists, it will not be very difficult to find men as members of these boards from the same class. The honourable member, therefore, need not worry over it.

Rai Sahib Lala Labh Chand Mehra : I say like High Court judges they must be men with sufficient judicial experience and further none of them should be in debt, nor any of them should be related to or interested in persons who are in debt.

Rao Bahadur Chaudhri Chhotu Ram : As if no judge of the High Court is related to any person following the profession of money-lending.

Rai Sahib Lala Labh Chand Mehra : Another thing that is open to serious objection in regard to these boards is that they are being vested with powers to settle cases of the value of Rs. 10,000 and even more in the very beginning. I should say that at this experimental stage, that ought not to be. When we have yet to see how these boards will function, it is not very safe to entrust them with such vast powers. I may as well say in this connection that the deletion of the proviso to clause 11 of the original Bill has made it still worse. Now the boards will have no choice or power to dismiss application for settlement even if it were to consider in the case of any such application that it was not desirable to attempt to effect settlement between the debtor and his creditors. What an absurd proposition it is ! It is clear from this that the intention of the supporters of the Bill is to add to the sufferings of the creditors and nothing else.

Further it may be submitted that sub-clause 2 of clause 13 of the Bill affords another illustration of the fact that the interests of the creditors are no longer safe. To consider all or any such debt of which a statement is not submitted within a fixed period to have been discharged for all purposes and

[B. S. L. Labh Chand, Mehra.]

for all occasions is injustice, pure and simple. In many cases it happens that a person is rendered unfit to give such a statement of a debt and in such cases this drastic provision will doubtless work hardships. It will certainly amount to denying justice to a section of the population if this provision is not materially modified in the interest of the creditors. Particularly the interests of the widows and orphans will be jeopardised by the retention of this provision as it is. Similarly the change that has been introduced in section 19 of the Bill is also very drastic because according to it the boards will have no power to dismiss an application for settlement in cases where an amicable settlement between the parties has not been arrived at. It may be added here that certification of an amicable settlement by the boards in respect of debts due to non-consenting creditors will be most unfair and this is borne out by the opinion expressed by the Honourable Judges of the High Court which is as follows :—

Without the safeguard in clause 12, the 'amicable settlement' would be highly unjust to non-consenting creditors, and, in the absence of any provision for speedy and effective recovery of the amount decreed, the agreement would merely substitute one piece of paper, namely, a decree which still remains to be executed in the ordinary way, for another, namely the instrument proving the debt due.

I now come to a very strange and unheard of provision of the Bill according to which it will not be in the power of even the highest court in the province to question the illegalities and invalidities of the conciliation boards. Not even that. According to another provision of the Bill no appeal or application for revision shall lie against any order passed by a conciliation board. It means that these boards are being granted a status which even the High Court does not enjoy. Because the law of the land provides that against the judgment of the High Courts the Privy Council can be moved in appeal, but the orders of the conciliation boards will be final. It has been and is even now a very healthy and good feature of British justice that a decision in a case in dispute is not left to the whims and idiosyncracies of one person or one court and the dissatisfied person or persons are at liberty to seek justice against that decision in second and even in the third court by way of an appeal. In some cases the persons aggrieved can go up to the Privy Council. I wonder why that healthy and sound principle has been ignored in the case of this Bill and why the boards have been placed beyond the reach of even the highest court in the province. It is a point which requires a serious thought by the Government and the honourable members of the House.

The principle of Damdupat which is intended to be introduced by this Bill will further complicate matters. Now the creditors do not generally go to courts for the recovery of their loans if they are assured that they will be paid as soon as possible. Not unoften, they taking pity on the helpless condition of their debtors, prefer to wait and thus do not increase the burden of their debtors by adding to it the expenses of the courts. But when they come to know that the money advanced by them must cease to accumulate interest at a certain point, they will always take the first opportunity to seek the assistance of the courts. That means, you will though unwittingly help to increase litigation and the sufferings of the poor debtors for whose welfare you seem to be so solicitous. Before I come to make any general observations I may be permitted to add that it will again go against the

interests of the creditors to allow the debtors, as provided in section 90 of the Bill, to deposit the money due from them in courts, for in that case the creditors will have to bear so much expense to receive payment of such sums deposited in the courts. They will also lose interest as according to this clause it will cease to run from the date the money is so deposited in a court. If you are inimical to the interests of the creditors I will offer one suggestion which will achieve the end in view of the framers of the clause and which, if acted upon, will save the creditors from undergoing any inconvenience or loss. That is that such sums of money instead of their being deposited in the courts, should be deposited in the Imperial Bank to be paid to the creditors on the presentation of the cheques. That I think is a very plausible suggestion and I am sure that the House will have no objection to accept it.

I shall now proceed to make a few general observations in regard to this Bill for what they are worth. It is evident and it has been proved beyond doubt that this Bill, if passed into law, will impair and lower the standard of morality of the people in general and debtors in particular. In this country where according to religious precepts of all religions everybody always considered it his sacred duty to pay all his debts. The dishonest and evil-minded persons have lately begun to take advantage—an undue advantage—of the complexity of the law, to evade payment of the debts due from them. This Bill will not only assist such persons to cheat their creditors, but will lower the general business morality of the people, of this province. I must admit that I am not as sure of the religious precepts of other religions, but according to Hinduism a man who does not pay off his debts in his lifetime is reborn as a donkey to pay off his debts in the form of service that it has to render to the master. If I do not make a mistake Islam also lays down some strict injunctions in this matter of payment of debts. At least I can guess that there is some such injunction because the noble example of a noble Muslim, who was a Pathan and who came from a territory where this so-called civilisation has not so far penetrated, is before me. His name was Pastak Shah. He was a trader by profession and he once came to Amritsar with a consignment of *mulathi*. He came to me and asked me to sell his *mulathi* in the bazar. I told him that I had no experience in that line of trade and that, therefore, he should seek the assistance of some expert in that line. But he said that he had faith in me and in our firm alone and that he was not prepared to rely on any other person. I had therefore to take that consignment. But when the actual thing came before us, we found that it was a very inferior and coarse *mulathi* and so unsaleable in the market. We tried our best and we went so far as to cut those long sticks into small pieces so that it should become marketable, but it could not be sold at any price and this took us so long that the time came when the noble Pathan had to go back to his country. Having been unable to realize his money by sale of *mulathi*, he asked me for a loan against his goods so that on his return he should take some merchandise with him to his country to sell it at a profit. I willingly advanced what he wanted. After that four years elapsed and that Pathan did not turn up nor did he send the money due to me. But one day after that long interval a Pathan called at the office of our firm and asked whether we could give him a copy of Pastak Shah's account. As it was an old and petty account I did not

[R. S. L. Labh Chand, Mehra.]

remember the state of the account. I told the man offhand without referring to the accounts that as I did not know him I would not pay him any amount which will be found in credit of Pastak Shah. I further enquired where Pastak Shah was and why he had not come himself for such a long time to this province. The man said that he wanted to know only the state of Pastak Shah's account. On referring to our books we found that Pastak Shah owed us Rs. 34 which information we gave to him. The Pathan then told me, that Pastak Shah had died and that he had called him, his neighbour at his death-bed and had said to him that he had borrowed some money from our firm in Amritsar. That debt, he said, he must pay otherwise he would not be able to face his creator. Before his death Pastak Shah gave him money, and took a promise from him that he would pay his debt which promise he had come to discharge. He paid the money then and there. This is the business morality of persons who are not yet affected by this civilisation. Such I believe is the teaching of Islam. Such men will never ask for a Bill of this kind, I am sure. I know of the case of another noble Musalman belonging to a very high family in this province, a big official who paid the debts due from his father because his mother told him that if he was a true son of his father, he must pay off those debts to the sahukar who had helped them in their hour of need. But such cases are few and far between in this country and in these days. Now there is a majority of such people who would not like to pay their debts even if many of them may be in a position to pay. We at least know of one such case which the honourable member for Gujranwala cited in his speech at Simla while he was supporting this Bill. He said that he knew of a zamindar who owned as much as ten thousand acres of land and who was in debt only to the amount of Rs. 2,500. But instead of paying it off, which he could easily do, he was prepared to go to jail and did not like to pay back the money. You will certainly increase the number of such people by passing this Act. I therefore, ask my friends on the opposite benches to pause and consider before they take a final step in this direction. I know that the zamindars have fallen on bad days and that it is imperative that some relief should be afforded to them. But this is not the remedy that will cure their ills. If you want to really help them, you should help them in starting cottage industries like Japan so that the peasants may have a side income by working in their spare hours and to further help them you should provide that the landlords are not permitted to take more than one-fourth share of the produce from the lands given by them on lease. This and other similar steps should be taken to safeguard the interests of the poor agriculturist. Without taking such steps you cannot hope to help them. Measures like the one under discussion will not go a long way to help him although it may do a good deal of harm to him and to another section of His Majesty's subjects. With these words I oppose the motion for consideration, and request the Government to withdraw this Bill and to come before the House with a more suitable measure.

Khan Bahadur Nawab Muhammad Jamal Khan Leghari (Baluch Tumandars, Landholders) (Urdu): Sir, I was surprised to see, in the agenda, this motion standing in the name of my honourable friend, the representative of the Punjab Landholders, General. I could never believe that a politician with such vast administrative experience and ability could be

influenced by sentiments in the field of practical politics. I had expected to find some cogent reason in the speech of my honourable friend in support of his motion but I must confess that my expectations met with disappointment. It was argued that the amendments made by the select committee were beyond the scope of the Bill and that new clauses had been inserted which did not form part of the original Bill. It has been said that it is necessary to elicit public opinion on the new provisions which had not been circulated already. The select committee, no doubt, inserted certain new clauses in the Bill which did not appear in the original Bill, but these were certainly within the scope of the Bill. On the advice of the Honourable Finance Member our party has agreed to drop these new clauses in order to expedite the passage of the Bill. After the deletion of these new clauses there remains no fresh point on which public opinion has not been ascertained. I can confidently say that no legislative measure has been more widely circulated, and has been more thoroughly discussed than this Bill. It has been discussed threadbare in the Press and on the platform by every section of the population. A study of the opinions received will convince the House that no aspect of this measure has been left untouched.

It has never been our intention to rush through this measure on the strength of our majority in the Council. We wish to steer this Bill through calmly and in a compromising spirit. We have tried to accommodate our friends as far as it was reasonable and we expected the same spirit of goodwill and conciliation from that section of the House. After listening to the statements made by the Honourable Finance Member and the honourable leader of the National Unionist Party there remains no ground for doubt that the object of this amendment is not genuine. Its only object seems to be to delay unnecessarily the passage of the Bill. If it is so, I wish to sound a note of warning to those who are using these tactics, that this delay would result in very serious consequences and that they are making a great mistake in undermining the importance and emergent need of this measure.

It is conceded even by the bitterest enemies of the debtor classes that the agriculturist population of the province is in a miserable plight and that the rural credit has received an unequivocal blow on account of the unprecedented economic depression and the sudden fall in the price of agricultural products. The value of the agricultural debt has, in the term of agricultural commodities, increased to more than threefold and their paying capacity has been decreased in the same proportion. In the existing circumstances the agriculturist debtor finds it beyond his capacity to discharge his liabilities even if he wants to do so. The agricultural debt is estimated at two hundred crores of rupees and the annual interest thereon at the rate of 15 per cent. per annum comes to thirty crores of rupees. Now let us see what the net annual income of the agriculturist class is. We have no accurate material to calculate correctly this income except to base our calculations on the land revenue. The land revenue is generally assessed at the rate of 33 per cent. of the total net assets. So three times the amount of land revenue will approximately give us the figure of the net agricultural income of the province. The land revenue being about four crores the total net income cannot be more than fifteen crores. This shows that even if the total net agricultural income of the province is paid towards the interest

[K. B. Nawab Muhammad Jamal Khan Leghari.]

of agricultural-debt it can only redeem half the amount of annual interest. But one should not forget that out of this net income Government dues and bare necessities of life are also to be met with. The burden of debt in many cases far exceeds the value of agricultural holdings. This shows that it is impossible for the agricultural debtor to pay even the interest, what to say of the principal. If the amount of debt is reduced to his paying capacity it will give him an impetus to discharge his moral obligations. I must say that it would be in the interest of the creditors to keep alive the goose that lays the golden egg rather than to kill it. It would be suicidal to press for the realisation of the entire paper debt which is far beyond the means of agricultural debtors to pay. It will only result in their refusal to pay their liabilities. A lesson should be taken from the lead given by the Government in this connection who keeping in view the limited capacity of the agriculturists have been remitting a substantial amount of land revenue, *abiana* and *tagavi* dues every year since 1929. The result of this gesture on the part of the Government has been, that the agriculturists have striven to pay the Government dues even at the point of starvation.

The agricultural indebtedness is the gravest problem of the province and it requires very serious consideration. The economic horizon of the province is covered with dark clouds which tend to threaten the peace of the country. It would be unwise to force the debtor to the extent that he may refuse to pay his debts and may be driven to take the law into his own hands. Such steps have been taken before, and the history of the world is not lacking in such examples. It will be within the memory of some of the honourable members that such a course was taken by the indebted peasants in 1915 in the districts of Muzaffargarh, Jhang and Mianwali. I need not narrate the tale of atrocities which resulted in the loss of lives, honour and property. Order was restored by the Government with the help and healthy influence of the law-abiding and peace-loving gentry. We sent from Dera Ghazi Khan long-bearded, fierce-looking Baluchas to fight the furious dacoits who were creating havoc in the villages.

The increase in the prices of agricultural produce resulting from the Great War changed the phase of the problem and it became possible for the debtors to meet their liabilities for some time. Most of the benefit of high prices went to the *sahukars*. This temporary prosperity proved harmful to the agriculturists. It resulted in unlimited credit and unthrifty habits. The mockery is that the benefits of the high prices went to the *sahukars* whilst the after-effects of those prosperous years added to the miseries of the agriculturists. The debtor to-day is in a much worse position than he was in pre-war days. To-day he finds it impossible to discharge his financial liabilities. The darkness of disappointment prevails around him and he does not see even a single ray of hope in the darkness of debt which oppresses him.

I know this Bill is most inadequate to remedy the evil of indebtedness, but it is certainly a step to keep the situation under control. Its effects will be more psychological than practical. I fail to understand that such an innocent measure which is more to the benefit of the creditors than the debtors is being opposed and delayed. It would be unwise to oppose this measure only because it happens to come from the Government without

paying any regard to its merits. The honourable members sitting on those benches have unfortunately cultivated the habit of opposing every motion that is made by the Government. They oppose the Government measures for the sake of opposition even if they are based on good intentions and sincere motives. This shows the irresponsible character and lack of administrative knowledge and experience on the part of those who pursue this policy. This destructive policy acts as a stumbling block in the way of the country's advancement and is a poor contribution towards nation-building. I am sure we can ill-afford, at this stage of constitutional progress, to risk the peace and tranquility of the province. The attitude of our critics will lead us nowhere. It will result in discontent and chaos. Their short-sighted policy and narrow-mindedness will prove harmful not only to the classes they represent but will also be detrimental to the wider interests of the country. I appeal to them in the name of the peace and prosperity of the country and the classes which they represent that they may take a broader view of things and look at the problems from a higher angle. In the interest of innocent lives, and the peace and progress of the country they should act in a more responsible manner and pay the same amount of serious consideration which the gravity of the situation deserves. They should try to create goodwill between debtors and creditors, agriculturists and non-agriculturists and one community and the other which alone can lead us to the goal which all of us have in view. Before I conclude I would like to reply to the remark made by the honourable member from Hoshiarpur accusing the Government and the National Unionist Party of entering into an unholy alliance. The position as I have already explained, is this: The Honourable Finance Member told the leader of our party that the Government was keen to pass the Bill in the present session but in view of the new clauses which had been included in the Bill by the select committee the Government considered it necessary to support the motion for re-circulation. But if these clauses were deleted the necessity for re-circulation would not arise and the Government would be prepared to move for the consideration of the Bill. The National Unionist Party realised this difficulty of the Government and agreed to the suggestion of deleting the new clauses. This is a clear indication of goodwill, co-operation and also of the spirit of conciliation on the part of the majority party. We foresaw the consequences of delay and so we decided to make this sacrifice in the wider interests of the country. I wish the same view is taken by other sections of the House and the same spirit of conciliation is displayed by them. Our friends only know how to criticise and are unfortunately in the habit of taking a dark view of everything. I consider the re-circulation unnecessary and in opposing this amendment I request the honourable mover to withdraw his motion and advise his party to refrain from these tactics of delaying this important measure.

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

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muham-
madan, Rural) (Urdu): Sir, I stand up to make a few observations before
the House. Fortunately I have been returned by a constituency
where the zamindars as well as the sahukars are the electors. Consequently
I represent the interests of both these classes. As such I am in a difficult
position for I have to represent these antagonistic interests at the same time.

[Kanwar Mamraj Singh Chohan.]

This as the House knows, is very difficult and makes it incumbent on me to say what I can say conscientiously. It has been admitted on all hands in this House that the condition of the zamindars is pitiable and they find it very difficult to make both ends meet. Their means have become so scanty that they cannot meet the ordinary necessities of daily life. Their present pitiable plight is due to the tremendous fall in the prices of the land produce and failure of crops during the last few years. I, who know the rural conditions, am constrained to remark that if the zamindars are having a wretched time the sahuikars living in the villages are also not better off. This slump in the market has also affected them and they have also been reduced to penury. The small sahuikars run their business by borrowing money from the big sahuikars residing in the cities and then lending it to the zamindars in the villages. They charge from the zamindars interest a little higher than what they pay to big sahuikars from whom they themselves borrow for the purpose of lending it to the zamindars. Now the village sahuikars are in a very difficult position for they have to pay interest on the sums they have borrowed from the big zamindars of the cities and at the same time they themselves fail to realise the capital or its interest from the zamindars. These small sahuikars even hesitate to approach the zamindars to demand the sums lent to them or the interest. They dare not do it because they fear lest the zamindars who are so hard pressed should become desperate and harm them. There is every likelihood of their being insulted or beaten by the zamindars if they demand the payment of the debts. It is the wish of these sahuikars that some third person may now intervene and help them to arrive at some settlement. So far as their debts are concerned they are fully conscious of the inability of the zamindars to pay. It is very necessary that some third person, it may be the Government, should now intervene and approach the parties to settle their differences in some cordial way. The sahuikars are willing to give every reasonable concession and facility so far as the discharge of their debts is concerned. If the Government fail to intervene and no settlement is arrived at, the peace of the province is sure to be endangered. The cases of murder as have already happened will increase. Some honourable members have pressed the necessity of re-circulating this Bill. I can only say this much that those honourable members who are in favour of re-circulation are blind to the interest of the sahuikars. If the enactment of this law is delayed it will result in much harm to the sahuikars, for by the time this Bill is re-circulated and opinions invited many cases of murder of sahuikars will have occurred. On the one hand these honourable members complain that the sahuikars are being murdered and on the other they are trying to delay the enactment of a measure which is expected to stop such crimes.

The only provisions that are worthy of notice are those relating to—

- (i) the rule of *damdapat*;
- (ii) the conciliation boards; and
- (iii) the lower rates of interests.

These are the things which are really necessary and beneficial both in the interest of the zamindars as well as of the sahuikars. But notwith-

standing these beneficial principles the provisions of this Bill are still not sufficient to meet the requirements of the case.

The remedy for the present day evils does not lie in the enactment of such measures only. The Government should also try to find out the root causes of this trouble. Government should try to know why the zamindars fall into debt. The habits of the zamindars are required to be changed. They should be taught to live economically and not to spend their money on unnecessary things. If a zamindar finds that the crop which is growing in his fields is excellent and rich, he will at once go and borrow money in order to purchase a mare to ride on. He will not wait until the crop is reaped and sold so that he may be able to escape the payment of interest on the money he has to borrow for the purchase of the mare. The customs of the zamindars are expensive. They spend too much on births and marriages. It is high time that they should be taught the value of economy.

The next thing which is ruinous to the zamindars is the present system of realisation of land revenue. At present the land revenue is realised after the crops have passed from the hands of the agriculturists. The zamindars in order to pay the Government demand borrow money from the sahu-kars for which they have to pay interest. If the Government realises its demands when the crops are still in the hands of the zamindars they would be saved the payment of the interest on loans which are advanced to them by the sahu-kars, in order to facilitate the payment of land revenue. This alone will not be very helpful. The co-operative banks used to charge 12 per cent. interest on the loans they advanced to their members but now they have reduced their rates to Rs. 9-6-0 per cent. This has not in any way helped to decrease the burden of indebtedness. The zamindars should on principle cease to borrow. They should in no case be tempted to take loans whether for the purpose of sending their sons to the colleges for education or for the purpose of buying luxuries like drink, etc. By this bad habit of the zamindars the sahu-kars are benefited. We are thankful to Mr. Brayne that he is interested in the zamindars and is doing the rural uplift work. But all his propaganda is connected with hygiene and health. He tells the zamindars that they should increase their income but the method he suggests for the purpose is in itself very expensive. For example, he says that the zamindars should use mosquito nets, they should live in well ventilated houses, and should purchase strong bulls. These methods are expensive, in other words, all this means that the zamindars should waste whatever is left with them on these things. This propaganda is good but only for those who can afford to purchase all these things. Our zamindars are poor; they cannot afford to accept his proposals. It would give a great pleasure to me if the Government were to form a committee to find out the causes of the hasty plunge the zamindars take into indebtedness. By lowering the rates of interest the indebtedness of the zamindars will not decrease. It will only decrease when the real causes of this disease are found out and removed.

The rule of *damdupat*, the conciliation boards and the lower rates of interest are really beneficial things and to find fault with them is very unreasonable. The honourable members who have criticised them have been very inconsistent in their behaviour. They have admitted that the plight of the zamindars is pitiable and they have also criticised these provisions

[Kanwar Mamraj Singh Chohan.]

which have been incorporated in the Bill. If it is not inconsistency what else is it? They have suggested a remedy and it is also very inconsistent. They want that the Government should pay back the debts of the zamindars on their behalf to the sahuks and then realise the amount so paid from the zamindars in easy instalments. Every one knows that every year Government grants *taqavi* loans to the zamindars and very often it becomes difficult for it to realise these loans, and it has to suspend them or remit them. Now, if the Government were to accept their proposal it would only mean that the Government will have to pay it from its own pocket without any hope of its realisation from the zamindars on whose behalf it would be paid to the sahuks. This proposal is neither for the benefit of the zamindars nor for that of the Government. By this proposal only the sahuks will thrive. The provision for the establishment of conciliation boards is very beneficial both from the point of view of the debtor and the creditor. At present a zamindar will never go to an insolvency court to apply that he may be declared insolvent, for his self-respect stands in his way. But according to the provisions of this Bill even the creditor can apply that such and such a man who is his debtor should be declared insolvent, for he is unable to pay off his debts. At present a man who has to pay Rs. 10,000 will never go to a court to apply that he should be declared insolvent. For, a person whose credit is so much that he can borrow so much money, must be a very influential man and as such he will not go to a court to be declared insolvent. Such a proceeding would be against his self-respect and below his position. But at the same time the creditor will never dare to approach such an influential man to demand payment. Consequently he has either to remain silent or go to a court and bring a suit against him. The latter course will be very expensive and, therefore, he will hesitate to adopt. But according to the provisions of this Bill he can apply to a conciliation board that such and such a man may be declared insolvent. He can apply against a debtor who has to pay Rs. 10,000 as well as against one who has to pay only Rs. 500. It is very difficult for any sahuks to realise his debt from an influential man, and if any sahuks ever tries to approach such a debtor to demand the payment of his debt there is every likelihood of the case of *shah* of *Kesri* being repeated. The honourable members who have opposed the original motion fear that the sahuks will not be accorded impartial treatment by the conciliation board. But I may assure them that their fears are unfounded. The sahuks advance loans to the zamindars in order that they may be able to meet their necessities. It is very kind of them. But what if the zamindars find that they are unable to pay back the loan. They in such cases can only offer all their assets so that the debts may be satisfied to the extent of the value of those assets. Before the conciliation boards the zamindars will place all their assets for the satisfaction of the debts they owe. I am sure if ever any concession will be made it will be made for the benefit of the sahuks. No leniency will be shown to the zamindars. In cities if a sahuks who is also under debt to other sahuks becomes unable to pay his liabilities the case is not taken to the court but is settled privately. The debtors of that creditor assemble and agree to get whatever it is possible for each of them to get from his assets. Cannot they do the same so far as the zamindars are concerned? As I have

already said at present the zamindars regard it a disgrace to go to a court to be declared insolvent but according to this Bill the sahkars will be entitled to apply to the conciliation board to declare a debtor insolvent and to help him in taking from him whatever it is possible for him to pay. You complain that the lives of the sahkars are in danger and many of them have been murdered at the hands of the zamindars but still you are unwilling to accept the services of the conciliation boards. A conciliation board will consist of at least three members who will be appointed by the local Government. There is no likelihood that these members of the board will show any kind of partiality towards the zamindars. The fears of the honourable members are quite unfounded and imaginary. They should welcome the idea of these boards instead of resenting their appointment. With these words I oppose the motion now before the House, and say that there is no need for the re-circulation of the Bill. I associate myself heartily with all that has been said by the honourable members in support of the Bill.

Lala Bhagat Ram (Jullundur-*cum*-Ludhiana, non-Muhammadan, Rural) (Urdu): Sir, since the introduction of this Bill in this Council there has been much hue and cry in the province raised by those whose interests this Bill affects. It has been criticised in the Press and on the platform. The sahkars have called it *Hindukush*. They have regarded it a death blow. The financial condition of the sahkars has become unsound on account of the present economic depression. They have borrowed money from the big sahkars of the cities in order to lend it to the zamindars so that the latter may be able to meet the Government demands. Now Government wants to ruin these sahkars who have helped the zamindars by making themselves liable to the big sahkars of the cities. This is how the Government wants to make a return of the kindness which the sahkars have shown to the zamindars. The sahkars gave loans to the zamindars so that they might be able to clothe their children and save them from the cold. They gave these loans in order to save the zamindars from starvation. For all this kindness and help the Government wants to make a return by passing a Bill which is so injurious and harmful to their interests. The sahkars borrowed the money from the big sahkars of the cities in order to advance loans to the zamindars. They pay interest on these sums which they have borrowed from the big sahkars and also they pay income-tax to the Government. The Income-Tax Department causes much botheration to these small sahkars. The department asks them to show them their account books and other papers. The sahkars' business has failed. They have got few account books and papers. They show these to the department and the department is not satisfied with them. It suspects that they have kept back some accounts. Consequently they levy high rates of income-tax. Now the poor sahkar on the one hand pays interest to the big sahkars of the cities and on the other they also pay income-tax. The amount which they have advanced to the zamindars has become difficult to be realised. The zamindars are unable to pay it. If the sahkars bring suits against them and get decrees against them the decrees are not satisfied. The zamindars' assets do not yield enough to satisfy the value of the decrees given against them by the courts. This burden of indebtedness which amounts to Rs. 2,000,000,000, also includes the large sums which the petty sahkars have borrowed from the big sahkars of the cities. Thus a large

[L. Bhagat Ram.]

amount of this sum of indebtedness has been included twice. In my opinion the burden of debt is not more than 80 crores. If the zamindars pay only 60 crores out of this amount the sahukars would be glad to effect a compromise. But the zamindars do not want to make any payment. They are in reality incapable of paying anything. They cannot even pay instalments of Rs. 10 each. If you care to find out the mutations that have been effected during the last few years in favour of agriculturists money-lenders you will know, that many have been made for sums below Rs. 50. By these mutation entries you can guess very well that the agriculturists debtors can very easily get the land of the agriculturists for very small sums. This is because the zamindars are unable to pay anything and consequently they agree to give their lands to their agriculturist debtors in lieu of very small sums.

The mutual confidence between the sahukar and the zamindar has received a severe blow by the proposed Bill. The small sahukars think, and they are right in so thinking, that now it will be well-nigh impossible for them to recover their debts. So, they have ceased to advance any money. This has greatly impaired the credit of the zamindar.

There is one provision in this Bill which satisfies me considerably, and that is with regard to practically doing away with the court-fee system. I myself at one time gave up the idea of recovering my debts amounting to about 40,000 rupees for I did not want to take the risk of losing money on court fees especially when there was practically little chance of securing decrees from the civil courts. Now, it has been proposed that the money-lender will be able to claim his debts on a paper worth one rupee only and the amount of the debts may be anything. This is a salutary provision, and much in accordance with the temperament of the people of this province. I am glad to declare on the floor of this House that our people are honest by nature. Only our laws have made, and are further striving to make, them crafty and crooked. Otherwise, they are a plain and honest set of people. Those who come here and claim to be the representatives of zamindars are not so in the real sense of the expression. They are big men, at least most of them, and live in cities and they know very little about the rural life and its problem. But we who live amongst them are fully aware of the habits and conditions of the villagers. They are unsophisticated and honest people. It is not very long ago when people used to take loans and the signing of an agreement or deed took the shape of the borrowers' touching the body of the creditor. "I swear by thy body O' dada," declared the simple peasant debtor, "that I shall pay thee back all the money together with the stipulated interest." And thus the transaction was concluded. If a debtor refused to pay back the money borrowed, he was told to pluck a leaf from the pipal tree and lo! he came to his senses and declared on his knees that he was prepared to pay his dues lest he should incur the wrath of gods by plucking the leaves of the sacred pipal tree. And even to-day you will find in villages many people who will lay down their lives gladly rather than refuse to pay the money which they owe. But times are rapidly changing and the Government is making people more and more dishonest and crooked by offering them the opportunities to be dishonest by sponsoring and supporting measures like the present Bill. It will be possible

under the proposed law for a zamindar debtor to prepare fictitious promissory notes showing that he owes money to some relatives of his. After that the relatives will be covered by the "to whom 60 per cent. of the debtors' debt are due" and easy settlement will be arrived at by the mutual consent of the relatives. In this way the poor creditors' chances of recovery will be reduced. I, for one, have no objection to this provision also. But whereas the Government have considerably curtailed the claims of sahuks, it is but fair that ample provision should be made to facilitate the recovery of the remainder of his debts. It is not proper on the Government's part to reduce the money-lender's demand on the one hand and to put restriction on the recovery of the remainder on the other by imposing such stringent provisions like the one embodied in clause 32. I take this opportunity of informing the Government that this Bill has caused consternation in the sahuks' circles. These people have fear of life, fear of property and in fact they have no sense of security left. The Bill has created such hostile feelings between the zamindars and money-lenders that it is not safe now-a-days for Khatri young men to walk about alone. Wherever they go they go in bands because their white clothes excite the hungry villagers' sense of jealousy and they are always ready to loot their houses. Such are the shadows which this Bill has cast over our rural society. I do not say that the Government is in league with the rural party of the Council. But all I can say is that the zamindar benches ought to have given a better proof of their fair mindedness. The time is soon coming when there will be a majority of zamindars in the Council and the Government benches will be packed with zamindar members.

Mr. Mukand Lal Puri : They are even now packed with zamindar members. *(Laughter)*.

Lala Bhagat Ram : I would ask my zamindar friends to think for a while whether this attitude of theirs will convince any sensible man living that life and property of money-lenders will be safe in the hands of the future zamindara Government. Our impression is that the Government and the rural party are committing a day light robbery in the houses of money-lenders by rushing through this legislation.

Sayad Mubarak Ali Shah : Is the honourable member supporting the Bill or opposing it ?

Lala Bhagat Ram : The honourable member can judge for himself. Various causes have been explained of the terrible indebtedness of the zamindars. All may be equally correct. But to me the greatest cause of indebtedness seems to be the presence on the Statute Book of the Land Alienation Act.

Rao Bahadur Chaudhri Chhotu Ram : Is there no rural indebtedness in the United Provinces where there is no Alienation of Land Act ?

Lala Bhagat Ram : This Act has done great harm to the zamindar. The zamindar cannot sell his land in the open market on account of this Act. If he wants to pay off a debt of Rs. 500 he has to sell 10 bighas of his best agricultural land to his brother agriculturist who is always prepared to swallow him up. If the money-lender were there to purchase the land its price would have gone up to, say, Rs. 5,000 and the zamindar debtor would have saved much of his land. This is a simple thing. Cannot our friends the zamindars understand it ? After all what is the good of passing such a

[L. Bhagat Ram.]

law which satisfies none? Money-lenders are angry over it; zamindars are dissatisfied with it, and every body is sorry for it.

Sayad Mubarak Ali Shah : We are happy. We are not sorry.

Lala Bhagat Ram : The honourable member may be happy but there are many in his party who are not. We have always been thinking that the English people are honest business men. They manufacture *chabi ka lathha* and knives of Joseph Rogers & Co. Both of these articles of trade are very popular in our markets. Their price has varied from time to time but their quality has been the same throughout. This is what honest business men always do. But I am sorry to remark that English men on those benches have not given any proof of their being good business men. I do not think that they can ever pass such a law in their own country. Such things can never be tolerated there. They have sought by this law to benefit one class at the cost of another. This is most objectionable. All religions teach us that we should not accept any advantage at the cost of others. The famous saying of the Sikh Guru beginning with !K3U (2) حق points out the same truth. I need not quote the whole of it. Muslim law givers have also clearly laid down that paying of debts is a duty so much so that one cannot inherit the property of his father without paying his debts. The Hindu sages have also emphasised the same thing and have said اَدْرَار نه اُترے دُتیاں باجہ نہ اُترے

My honourable friend from Amritsar rightly pointed out the belief of the Hindus in this respect when he said that unpaid debts in this life will have to be paid in the life hereafter. In these circumstances it will not be proper for the Government to insist on providing opportunities for those who do not want to pay their debts. I agree that the provision which makes it impossible for the money-lenders to advance ten rupees and enter a hundred in their account books, is reasonable. But when all is said and done to put this check on the money-lender what guarantee is there that the conciliation boards will help the money-lenders to realise the sums actually advanced by them? The Government have not provided any remedy for that. In this connection I am reminded of the case of three *mirasis*. They, it is said, went to the battle-field and killed three enemies. When they returned to their homes they told their friends that they had killed thirteen of the combatants. When it was pointed out to them that they had been responsible for the death of only three they promptly retorted, "We include in this number ten of our relatives who died in our homes before our own eyes." The Government have made it possible for the debtors to refuse to pay a part of their debts by legislation. And it does not take any responsibility to help the money-lenders in realising the remaining of their dues. It seems to be thinking like those *mirasis* that the money-lenders will consider the remaining debts as paid by their own relatives and in their own homes. The Government should take upon themselves the responsibility of paying the debts of the zamindars, if they are really honest. They may realise their dues from the zamindar in whatever manner they like. Will they accept my suggestion? It was said in Simla by some members that if the zamindars' debts are not cleared they will be forced to turn the money-lenders out of the country as has been done in many other countries of the world.

Rao Bahadur Chaudhri Chhotu Ram : Hitler has done so in Germany.

Lala Bhagat Ram : But I am sure this cannot be done in this province. We in the Punjab can never be turned out of our homes. We will live here in spite of the opposition of the people who want to follow in the foot steps of men like Hitler. Conditions here are very different from those in Germany. Here big zamindars want to swallow the petty zamindars just as the crocodile swallows up the small fishes in the river. Then there is no clear line of demarcation between the zamindar and the non-zamindar in this country, thanks to the ingenuity of the sponsors of the Land of Alienation Act. We are tillers of the soil and we own vast tracts of land yet the Government refuse to admit that we are agriculturists. And all this is due to the fact that our names do not appear on the pages of that Revealed Book, the Punjab Alienation of Land Act. The fact of the matter is that we are as good agriculturists as any other zamindars. We have also to depend on agriculture for our livelihood. We have also to feed and educate our children. The Government which is so very anxious to safeguard the interests of the zamindars and to help their children should not be unmindful of the interests of our children too.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : May I suggest that in view of the fact that there are still several honourable members who wish to speak on this motion, a time limit may be fixed.

Rao Bahadur Chaudhri Chhotu Ram : Not now.

Mr. President : I am in the hands of the House. Under the rules, however, no time limit is fixed for speeches on Bills and budget.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : May I suggest that a fairly liberal limit may be fixed, say, half an hour. Even that would have some restraining effect.

Mr. President : Personally I have no objection but the rules in force are against this and I do not wish to suppress the voice of the minority.

Lala Bhagat Ram : I was saying, that the Government should not be unmindful of the interests of the money-lenders. These people have great difficulties. They are groaning under huge burdens of taxes. Whether they realise anything from their clients or not, the Government realises income-tax from them most surely. To say the least of it that is not fair. After all the tax is to be levied on the income of the money-lenders. When there is no income, there should be no tax.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I am very sorry to interrupt the honourable member but he has repeated his arguments several times. He has been speaking for nearly 35 minutes now and I have not heard a single argument which has not been repeated about half a dozen times. If it is being done merely to delay the Bill, I do not think these tactics are fair to the House. (hear, hear).

Mr. President : The honourable member should not repeat his own arguments or the arguments of other speakers.

Lala Bhagat Ram : All this is being done by our kind Government. If this is kindness, Heaven alone knows what wrath would be like. Here I am reminded of another anecdote. A mendicant was beating his breast with iron chains. "How do you do?" asked a man in the street. "All right, Lord, is kind to me" replied the mendicant. His questioner was

[L. Bhagat Ram.]

dumbfounded because he could not think of what kind the wrath of that Lord would be whose kindness had besmeared the mendicant all over with blood. We on our part wonder what would be the tyranny of our benign Government if its kindness has taken the shape of the Bill now before the House. May be, the zamindars are convinced of the fact that they will be able to turn us out of this country. I assure them once again that they should turn out these idle notions from of their heads. We can never leave this country. We will live here and we will guard our interests with our lives. (*Cheers from Hindus benches*). God is our true helper. We need not fear anybody, least of all the sponsors of this Bill. Moreover, the atmosphere of cities has a peculiar characteristic of filling the people's minds with distrust and hostility. We in our villages live amicably and peacefully. Several times the Sikhs and the Mussalmans have made me their arbitrator. They trust me and in fact they trust every good Hindu. Recently, a Khan Sahib in our *ilaga* convened a meeting to do propaganda for the Indebtedness Bill. But the people would not co-operate with him. They refused point blank to pay heed to his exhortations. "Our debts are our own affair," they cutly replied, "you will not be called upon to pay them." This is the attitude of honest villagers. They are ever ready to meet their liabilities. There is a Sanskrit *sloka* which means that there are five things in this world the pain of which is like a consuming fire; first, the elopement with another's wife, second, quarrel with a good person, third, serving a worthless fellow, fourth, pennilessness at a time when one's friends have come to see him, and last but not the least, the arrears of debts. So we can depend upon the villagers to pay our dues only if the Government do not advise them to the contrary.

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If the Government had brought forward this Bill two years ago they would not have realised any of their own dues. The zamindars have been paying Government dues throughout these years of depression with the help of the sahuکار. Now the Government wants that the sahuکار should not get his money back. But what will be the attitude of the Government, I ask, if the money-lenders refuse to pay income-tax? Will they give up their income-tax demand? I do not propose to go on speaking till to-morrow and I will finish after making a few observations more. I would request the Government and the rural party to allow this Bill to be re-circulated. No fresh troubles will crop up during the next six months. No sahuکار will hasten to send their debtors to prison. After all sending a debtor to prison entails a good deal of expenditure and the sahuکار cannot spend money in these days of depression if he is a sound business man. The Government has given certain facilities to the debtors to become insolvent little knowing that in this country the word insolvent is treated like an abuse. If you call a person insolvent he will take it as a foul abuse. I think the Government is not aware of the feelings and susceptibilities of our people and therefore they have sought to make insolvency an easy affair. (*Interruption*). Furthermore, if this measure is passed it would be setting the whole province ablaze with communal strife. The debtors should smilingly pay up their debts, otherwise I wonder with what face they would appear before God on the day of judgment. With these words, I resume my seat because some of the honourable members want me to finish.

The Council then adjourned till 2 P. M. on Tuesday, 30th October 1934.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 30th October 1934.

The Council met at the Council Chamber at 2 P. M. of the clock. Mr. President in the chair.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Muhammadan, Rural): I have listened very attentively to the speeches that have been made by so many members. I have also read the reports of the last session and heard the speeches made then. But I cannot say that any honourable member has made any concrete suggestion and pointed out the remedy as to how we can ameliorate the condition of the rural people. Every one knows that two crores of rupees of interest on debt is not an ordinary affair. Not only that but the purchasing power of the people has gone so low that we cannot ignore it. Only 25 per cent. of prices is being realised now. There is yet another trouble and that is that on account of hunger people have begun to commit suicide. What is the root cause of all this? Everyone says and Government admits that the rate of interest on loans should be low. I say that that is not the real remedy to root out the trouble. My submission is, however much you may think that it is an extremist suggestion, I say that unless you try to think extreme you cannot get out of the difficulty. Unless Government and the people do away entirely with the institution of interest you cannot improve the situation of the province. In Bavaria, as the Honourable Finance Member said, the experiment of total redemption was tried and it failed. In Yugoslavia the same experiment was tried and it failed. Why did it fail? Once you redeem debts and make a clean slate, people have the same trouble again. The social structure is such that people never offer help without getting a return. Our whole social structure is rotten. Some say that sahukars are very good people, that they offer money when one is in need. I agree. But that is no help. It is only deriving benefit out of the trouble of others. Unless the spirit of real disinterested help has gained ground you cannot progress and you cannot honestly say that one helped another. What is interest? Its definition is very simple. It is the benefit got out of the trouble of others. If I have the spirit, if any country has the spirit of offering help where help is needed with the simple motive of offering help to our countryman, the institution of interest will die. Some say that Government should take upon its shoulders the burden of paying back the debts which the zamindars have incurred. If any Government dare to pay all such debts what will happen again? People will still be needy and they will go to the sahakar for loan and the same process will go on again. Unless you completely remedy the evil it will crop up again and again. I have gone through the suggestions made by honourable members but I find there is

[Chaudhri Afzal Haq.]

hardly a practical suggestion. The only practical suggestion is that if Government agree and the sahuکار agrees that the present burden of debt may be reduced somehow or other, by legislation or even by executive order, to one-fourth of its present magnitude, and Government take upon themselves the responsibility of paying back the loans bit by bit and after that engender a spirit of help in the people, it will come to stay and people will begin to act with a spirit of *qarza-i-hasna*. This term, *qarza-i-hasna* is a very famous term meaning offer thy brethren money when they need money without getting any interest in return. Unless we work in such religious spirit we can never hope to be prosperous once again. The system of getting interest and offering capital on interest has failed in Europe, has failed in America and there is yet only one country in the world which has tried without it, and that is Russia. Even there it is only on its trial. But if there was a country which had tried it successfully it was the Muslim countries. We often say that man is the image of God. Unless we imbibe this altruistic spirit, no laws can be successful in this respect. Time and again we have tried many a legislation. All legislation has failed. This is perhaps the fifth legislation that has been tried to relieve the indebtedness of the people. I am sure that this legislation is also bound to fail. Because the root cause of indebtedness is not removed even now.

Next to this reform of ourselves, I would put as a means to tackle with the problem the encouragement of industries in the country. What is the present state of affairs? In this big province only a sum of Rs. 2 lakhs is being advanced to help industries while three crores of rupees represents the interest on the total debt. Can we hope to fight the problem of indebtedness in this situation? No, certainly not. But the difficulty of it is that England and India are in conflict in this respect. Our rulers have first to look to their own interests and to the interests of their country; after that, they have to look to the interests of their colonies and this poor country which is the best supporter in the time of need, the best co-operator in the time of war and peace, its turn comes the last. And no one cares to help in return those who helped them. No one dares to help those who always help themselves. Unless this spirit is gone and our rulers come forward with a sympathetic heart our position cannot improve. We cannot possibly compete with the industry in England because the sympathy of our rulers is always with their home industry. I say in the circumstances unless we are courageous enough to do away with the institution of this interest unless our Government comes forward to help the industries of this province and devotes a bigger sum for that purpose our people cannot be prosperous and there is no remedy.

The third point on which great stress has been laid is that we must look to our expenses and try to curtail them. That is a very plausible suggestion. But how can we curtail our expenses? All the beneficent departments are quite hungry. There is not sufficient amount of money available for the beneficent departments. There is absolutely no question of curtailing our expenses. If there is need of our curtailing expenses in one direction, there is also need of spending more in another. So, people, of whom only 3 or 4 per cent. are literate, cannot afford to say that there are certain departments where they can curtail their expenses. If we can.

curtail a pie from the reserved side, I can say spend it on education, spend it on industries. But I say there is absolutely no remedy in this legislation. The only remedy lies in two facts. The first is that you should do away with this institution of interest. The second is that Government should help the industries of this country. If you cannot help us in this way, you cannot help us by any legislation. Really after two or three years you will meet with the same sad experience that was met in Bavaria and Yugoslavia. Without doing away with the institution of interest they tried an experiment and you are trying the same experiment now here. After these few remarks I must submit that I have absolutely no belief in such legislation, because this legislation takes us nowhere and it is not a sufficient help to the people. You may try it. I will be very keenly watching what the Government does and what the people do. I hope that Government will try in the light of my remarks and the remarks of other members to see that if they are going to help the people they cannot help them without doing away with the institution of interest.

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan Rural): Sir, I find myself in a very difficult predicament. کے وہ مشکل دیکھ کر کہہ رہا ہوں The position is really very difficult. I have listened to the speeches that have been made from the other side in support of the Bill. Most of these speeches were really in condemnation of the measure as it is now before us. The party in whose interest and for whose sake this Bill is being propounded are dissatisfied with it, and the Government benches, so far as I can gather from the amendments that have been tabled by them, appear to be equally dissatisfied with the measure. The question is, where lies the difficulty? How has this position been brought about? I am afraid there has been some sort of muddling somewhere. Some one has bungled.

When this Bill was originally brought up and a motion was made to commit it to a select committee, we protested that the select committee was practically a packed committee on which only one side of the House was preponderantly represented, and that the other side was hopelessly outnumbered. I moved that the name of one of us be added to the list of members of the select committee. That motion was about to be rejected, but on reconsideration Government benches entertained it favourably, but added to it a rider, namely that they would accept that amendment provided another name from the Unionist Party was also added, and the result was that we had only three persons on this side who could possibly place their views before them. It was understood that the measure was a Government measure. That was perfectly clear. And they knew also what the views of the Unionist Party were. And yet the Government permitted the select committee to be so constituted as not to admit of a dispassionate consideration being given to the provisions of the Bill. We made our protest and there we had to rest and could not do any more. What is the result? The result is before us, namely that the provisions of this Bill do not satisfy us, they do not satisfy the Government and they do not satisfy the Unionist Party. That is not all. My grievance is much more fundamental and that is this. This is an economic measure of very far reaching importance. It will have its repercussions on the entire credit system of our province, not only the rural credit system but also the commercial

[Mr. Labh Singh.]

credit of the province. It was extremely necessary that the Government should have given to it a dispassionate consideration. They should have brought about conditions in which dispassionate consideration was possible. That was not done, and the result is as we see to-day. For a measure of economic reform only political considerations were taken into account. Was the Government really prepared for launching on a measure of this kind intellectually? It has been said so often in this House that the debt under which the agriculturist is groaning is to the tune of 300 crores. I have heard these figures, but I do not attach any importance to them. Why, because I am convinced that the Government have not instituted any satisfactory inquiry into this matter. What are the data on which we are to build a measure of economic reform of this description? Can the Government enlighten me, can they place on the table any data which would help me in coming to correct conclusions? Are they sure that the debt is really 300 crores or 3,000 crores? Who collected the data? When was the data collected?

The Honourable Sardar Sir Jogendra Singh: The Banking Inquiry Committee had certain estimates made.

Mr. Labh Singh: Yes, I want to know further an exact analysis of the position.

The Honourable Mr. D. J. Boyd: You can never find out an accurate figure. I am perfectly sure of that.

Mr. Labh Singh: I want as accurate a figure as possible. I perfectly agree that it will not be possible to get at an absolutely correct figure, for the figure varies from day to day, it may vary from month to month and from year to year, and even during the process of the inquiry it may change. It may go up or it may go down, but some honest attempt should have been made to discover what the actual burden of the debt in this province was, so that we should have been wiser while tackling the problem, and formed an accurate estimate of the position.

The Honourable Sardar Sir Jogendra Singh: Has the honourable member read the Banking Inquiry Committee Report?

Mr. Labh Singh: I must have read it more often than the Honourable Minister could have found time to do. I am certain that I know more about the report of the Banking Inquiry Committee than the Honourable Minister interrupting me is ever likely to do. I am repeating further that the nature of this debt should have been inquired into. We should have inquired into this matter more fully. How much of this debt consists of smaller value, say of Rs. 100, or Rs. 200 or Rs. 300 or Rs. 500, so that we may know how many persons are in debt, say to the extent of Rs. 500 and how many there are who are in debt, say to the extent of Rs. 1,000.

The Honourable Mr. D. J. Boyd: Perhaps in making my reply I might be able to explain that the Co-operative Department have very nearly accurate figures of the indebtedness of their own members and that forms a very good basis for an estimate.

Mr. Labh Singh: May I know what is the amount of debt and how many individuals are involved whose total debt does not exceed Rs. 500?

These are the details on which we should build this Bill so that it may be open to us to say that only such persons may be given relief whose debt does not exceed Rs. 500 or that relief should be given only to those poor people and small peasants whose debt does not exceed, say, Rs. 1,000. All these are questions which we should go into and they cannot be gone into unless the necessary data are collected by some responsible commission or committee appointed either by this House or by the Government. All that I see is that we are groping in the dark. We do not know where we are.

Next, we have got to see how much of this debt is productive and how much unproductive. If productive and non-productive debts are put in the same category I am afraid we will not be able to tackle the problem before us in an intelligent manner. We have got to make this vital distinction. If we do not make this distinction, that will prevent people from borrowing money for productive purposes or prevent people paying back money borrowed for productive purposes. It will not be fair to proceed in the dark, in the absence of the necessary data. It will not be fair to the House nor will it be fair to the Government nor to the country at large. This is my main grievance against the procedure which is being adopted in connection with this Bill. I am certain the Government a generation ago, or even a few years ago, would not have dared to tread the path along which we are being rushed through now. The present Government is rushing headlong along the path which their predecessors would never have dared to tread.

The Honourable Sardar Sir Jogendra Singh : What about the Governments of self-governing colonies ?

Mr. Labh Singh : I am agreeable to adopting their legislation *in toto*. But the Honourable Minister for Agriculture will be the first to get up and protest against it, because he wants caste measure and not only a class measure.

I listened to the speeches which were delivered by the members of the Unionist Party the other day and I found that they were either references to certain threats which have already been executed, that is, the murders of *sahukars* that are taking place, or they were threats of future action in the same direction. I do not think this argument of theirs is either here or there. That line of reasoning is absolutely beside the point. Some worthy gentlemen including the leader of the Unionist Party have told us that their position has become precarious and that they are dissatisfied with their lot because they cannot protect their own interests with their own hands ; the British Government comes in the way and so they cannot have justice as they would like to have it. In their minute of dissent they say—

We sincerely fear that if the insistence of money-lending interests on their pound of flesh under the bond is allowed to stand in the way of legislation securing all necessary relief to the debtor classes, peace and security of life and property will have to face a very serious menace.

This is the threat which is being held out to Government and to us if legislation is not proceeded with in the way in which they want that it should be done. It is true that murders have taken place. It is true also that murders may again take place. But the question is what part these gentlemen have played either in the murders that have been committed or in the

[Mr. Labh Singh.]

threatened murders and what part they propose to take. (*An honourable member*: We shall try to avoid them.) Will these gentlemen try to avoid them or instigate them by telling Government and all over the country that if this legislation is not proceeded with murders would be rampant and that murders would take place? They are inviting people, they are instigating the people to commit these excesses. This is not the responsible way of dealing with the situation. This is not the responsible way of arguing the case. I submit very respectfully that this argument should not have been trotted out. It really betrays a mentality that is deplorable, absolutely deplorable from the point of view of propriety from the point of view of justice, from the point of view of fair dealing and from every other point of view. This is not an argument at all. Then, there was a gentleman representing the zamindar class who recalled to us the doings of 1915 and also threw out threats saying that if this piece of proposed legislation is not enacted into law then excesses of 1915 in the district of Muzaffargarh are likely to be the order of the day. He also repeated the argument of the leader of the Unionist Party, namely that somehow or other it was the British Government which was standing in the way of their securing for themselves proper justice or in the way of their administering the law as they understood it with their own hand, with the help of their own strength of arms. That is an argument trotted out not only in connection with this Bill but with regard to all questions affecting the zamindars. So far as this argument is concerned, I may say at once that whatever their ancestors might have done or whatever their kith and kin might do in troubled times, these gentlemen ought to make a distinction between what we call

شیر ذی‌نکاح اور شیر ناکاح They cannot possibly appropriate to themselves credit for the doings of persons who although they may be their own in caste, yet are not theirs in spirit. Here these gentlemen are attempting to fight a battle for the people whom they claim to be their kith and kin. As I said in my speech at the last session, it is not the battle of those poor people that they are fighting, but they are fighting their own battle. They want that the privileges which accrued to them under the special legislation known as the Land Alienation Act should not only be kept up, but further strengthened. This is the exact position. If this measure is to be honestly conceived as an economic measure my request to Government as well as those gentlemen opposite is this: Let us proceed in a scientific way. If you want to give succour or relief to small peasants, by all means give them the relief. But then give a definition which will not be a caste definition. Let it be a class definition—a definition depending on vocation and not on birth. I am not afraid of class legislation. Class legislation in some form or another is bound to come. It is the order of the day in most civilised countries. But then there is the distinction between caste and class. I welcome class legislation, but, then, it should be so drafted that everybody who is outside that class should have a possibility of finally entering the class. It should not be a water tight thing. That is the chief distinction between class legislation and caste legislation and it is the caste legislation that we are standing against. We are prepared to examine every proposal which aims at class legislation on its merits. But if a caste legislation is

brought forward in the garb of class legislation we must take fullest exception to that. There are hundreds and thousands of matriculates going about the country and swelling the ranks of the unemployed. There are graduates and others also in their ranks. In the name of goodness why should you prevent them from settling on land? Now, if we enact a definition of an agriculturist as a person who tills the land with his own hand and whose holding does not exceed say ten acres, would these gentlemen opposite be prepared to subscribe to that?

The Honourable Sardar Sir Jogendra Singh: We have reserved two chaks for graduates.

Mr. Labh Singh: Perhaps you will settle Sikhs and Mussalmans in those chaks.

The Honourable Sardar Sir Jogendra Singh: No, other classes also.

Mr. Labh Singh: Has that solved the problem? It does not even touch the fringe of the problem of unemployment.

The Honourable Sardar Sir Jogendra Singh: But it is only an experiment.

Mr. Labh Singh: Giving a few acres of land to some few friends does not solve the problem, nor does it constitute even a fair experiment.

The Honourable Sardar Sir Jogendra Singh: It is only a beginning of the solution.

Mr. Labh Singh: My submission is this that if we are going to have economic measures, we do not want to have legislation of this type in which class privileges are to be guarded. If certain class disabilities are to be removed, then, by all means let them be discussed on economic lines, on scientific lines and not on the basis of a rigid caste system. Let no new castes be created. We are already suffering from too many castes and if new castes are added that will mean indefinitely postponing the day of redemption. We will be adding to our difficulties. That is to my mind the main objection which we have against this measure.

Further I may submit that no data have been furnished on which a measure of this kind can be based. The draft gives indications that the whole thing is crude in the extreme. So far as the rate of interest is concerned, only yesterday a paper was placed in my hands which contains as many as five amendments with respect to a single clause, and all these amendments are from the Government. On the first page of the Revised List of amendments to the Bill circulated to-day there are four amendments which relate to only a single clause which means either that the Government has got more information now or that it is changing its mind from hour to hour and from day to day with respect to this single clause or that certain interests are representing to it their views and in the light of those views Government is tabling these amendments. Anyhow all this shows that adequate thought had not been bestowed on this measure. It will therefore be fair and just that an attempt should be made to either circulate this measure so that public opinion may be elicited or in the alternative the Bill should be recommitted to a select committee so that all aspects of the question may be considered and gone into in a non-partisan spirit, so that

[Mr. Labh Singh.]

all aspects of the question will be considered. The proposal to recommit it to a select committee is not before us and so that may be considered as out of the question. But the other point that the Bill be re-circulated for eliciting public opinion may be adopted. After all this is one of the funniest reports of a select committee that one has ever come across. The question is who is its father? Who is responsible for this report? Who owns to be the author of this report? Out of the 18 members who have appended their signatures to this report everybody's name is starred, and everybody reserves to himself the right to move whatever amendments he wants and everybody has appended a note of dissent. It is difficult to conceive a piece of legislation like this. It seems to be an unheard of legislative monstrosity. What is it? Who is the author of it? Nobody. It is not fair to the House that a report should be submitted which nobody in the select committee is prepared to father or sponsor. It is not treating the House with respect or courtesy. A report of the select committee should be a report at least by a majority.

The Honourable Mr. D. J. Boyd : It is signed by all the members.

Mr. Labh Singh : Signed by all and yet signed by none. Everybody says that he has signed it for conformity's sake. It is signed only in a pickwickian sense, as one might say. While I was reading the report the other day a line or two from Dryden came to my mind which I had read as a school boy.

The lines are—

Got when his soul did huddled notions try
And born a shapeless lump like anarchy.

This Bill is absolutely shapeless, absolutely deformed and unowned by any of its alleged authors. This is the position in which this Bill finds itself. It will be but fair, fair to the Government, fair to the House and fair to everybody concerned, if this Bill is considered dispassionately, is reconsidered and redrafted so that all aspects of the question are gone into, all interests are consulted and all views are co-ordinated. To take only one instance, the Bill says that the rate of interest should not exceed 8 per cent. simple interest. Had you taken the trouble to consult the managers of the local banks they would have told you that the normal rate of interest in the case of best securities available is 9 per cent. per annum with six-monthly rests. It is the lowest rate of interest charged by the Punjab National Bank and by all other respectable banks in the province. (*An honourable member :* 8½ per cent.): I do not think it is correct. I for one will be satisfied if the Banks are lending money on the security of immoveable property at the rate of 8½ per cent. All this, however, shows that not the least attempt has been made to find out facts, to consult all the interests involved and that we are proceeding with a measure of the most far-reaching economic consequences in a crude manner and without adequate thought. That is my protest against the procedure that is being adopted and I would submit that it will be in the interests of everybody if more thought is given to it, if we collect all the necessary data and information from every quarter and invite the opinion of all parties concerned.

After the data has been collected and collated a measure can be drafted which will be of some use. With these remarks I submit that there is a strong case why this Bill should be re-circulated for eliciting public opinion.

I would have liked to repeat all that I said at the last session, but I refrain from doing so for good reasons. I do not want to waste the time of the House. One thing, however, I cannot refrain from remarking and that is that I am unable to understand the real attitude of the Government in this matter. Are they proceeding unthinkingly or are they proceeding thinkingly? (*The Honourable Captain Sirdar Sir Sikander Hyat-Khan: The latter.*) Then so much the worse for the Government. If Government are proceeding unthinkingly there may be an excuse but if they are proceeding thinkingly, it is difficult to characterise their conduct. Are the Government giving us a sort of foretaste of what would happen when the Reforms come? This is all that can be said if they are proceeding thinkingly. I trust that the Government would certainly be not so Machiavellian as that. I believe in their good intentions and I hope that the procedure they are adopting will be changed as soon as they come to realise what they are doing. I therefore urge upon them the necessity of collecting more data and examining the whole situation more carefully and then to come out with a measure which would meet with the needs of the case and be acceptable to all. I have nothing to say to the proposition which has been urged by the honourable member from Hoshiarpur, Chaudhri Afzal Haq. He says that the institution of interest should be abolished altogether. I do not think that position needs to be seriously controverted. That would be considered even by his section of the House as too medieval for consideration. He wanted the *garza-i-hasna* to come into play. It is known to all what it means. It means borrowing money to be payable when one is able to pay. This is the term which is used by certain people who do not want to accept bribes as such and desire somehow or other by a verbal legerdemain to satisfy their conscience. When they want bribes they say, lend us money as *garza-i-hasna*. So, I do not think that institution can be possibly brought into universal use or can serve any purpose. It is too late in the day to think of abolishing interest altogether or replacing it by any other means. With these words I would ask the House to vote for the amendment moved by Diwan Bahadur Raja Narendra Nath.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban): The funniest thing that we hear from the speeches of the opposite benches is that they always want to postpone a measure which is for the betterment of zamindars. They want to circulate it and then they say that they will give their best consideration. The Money-Lenders Act was circulated twice or thrice and even after that when it came back it never had the support of the other benches. Rather the position became more and more fierce every day. So, are we to understand now that this Bill when it comes back from re-circulation will be accepted and the old game will not be repeated in some new roll? I want to bring to the notice of the House that when the Money-Lenders Act was passed they said that money-lenders will run away from the country if the Bill was passed and yet can they quote one instance where a single money-lender has left his village? So this wailing and weeping will go on always. Whenever a privileged class sees that some of its privi-

[Shaikh Muhammad Sadiq.]

leges are being taken away, they say that the world is coming to an end. When earthquake comes people think that the world is coming to an end and yet the world goes on. Now what is the object of this Bill or of similar Bills in the past? The object is to protect the zamindar from the rapacity of the money-lenders and also give relief. The object is not repudiation of debts, but only reduction of debts. Money was taken from the money-lenders at a time when wheat was selling 6 seers a rupee. Now it is selling at 20 and 22 seers. Is there any sensible person who can expect the peasants to pay all the debts at once and with compound interest? The whole of India does not possess enough cash to repay the debts contracted by these unfortunate zamindars. Even if you ask the zamindar to sell his land, there will not be enough money with which to buy. The only thing would be to transfer the land not by sale but by an Act of Parliament or of this legislature, to the money-lenders and the result will be that all people who are peasant proprietors will be dispossessed of their land and the land will fall vacant, so that like the once smiling lands of the United Provinces it may become the den of wild beasts and breeding place for mosquitoes. Do you want the same sort of thing in the Punjab? That will be the result if you are not going to take measures now and to bring the thing under proper control. When our friends say every day that they have sympathy with the zamindar, it is as convincing as if the cat should start pleading for the rat. Get as much as they can. That is their policy. I do not say this of all, but of a majority of them. The poor zamindar does not keep accounts. He does not know what accounts are. He gets money and day by day he gets entangled in debts. Are we not going to follow the other civilised countries in this matter? See Rumania, see America. They have come to the rescue of the debtors. Is there a nation in the world which has not come to the rescue of the peasants? Nine-tenths of the population are in the clutches of the money-lenders, both Hindus and Muslims. It is the duty of every person to come to the rescue of these poor people who are born in debt, live in debt and die in debt and save them from the misery of usuary.

What do we want? We do not want repudiation of debt. What we want is its reduction under this Bill. We want to bring the debtor and the creditor together. There will be three gentlemen whom Government will appoint and I hope that they will be honest men. Honest men, inspite of what the honourable members opposite say, are still to be found in this country, and we try to ask them to meet together presided over by a sub-judge, an officer who tries cases worth lakhs of rupees every month; and if the offer is a good offer to certify it. Well, there is no question of repudiation at all. My friends when they were sitting in the select committee never at that time thought of improving the Bill. Their whole endeavour was to smash the Bill. I am sure that if they had given one-tenth of their time that they are spending in fighting the Bill for the improvement of the Bill I am sure their efforts would have met with success if they had impressed the committee with the reasonableness of their demands. They want to create and do create a screen of smoke just as they do in naval battles by smoking vehement speeches and extensive propaganda and want, behind that wailing and weeping, to torpedo this Bill.

3 P. M.

The Honourable Mr. D. J. Boyd : I think, Sir, I will only be fair to say that my own impression was that both sides were very fair and reasonable indeed.

Shaikh Muhammad Sadiq : The impression of the Honourable Member for Finance is of one kind and the impression of the honourable member there opposite is of a different kind. It was said by him that the majority of members were not reasonable and impartial at all. I do not know whom to disbelieve. By believing one I will have to disbelieve the other party, because they say that fair chance was not given to them. One of these must be incorrect. They are talking so much of repudiation. Look at the party led by the venerable Raja Sahib. What did they do with the poor Udasis under the Gurdwara Act? They handed over thousands of acres of land and immense amount of property to the other party without bringing the matter before the select committee. They were led by the honourable friends opposite and supported by their party. Did they not have any idea at that time that this principle will apply to them? They have handed over thousands of acres of land without asking the Udasis their opinion. I think the curse of the Udasis is following them now that they are in a similar position. They at that time allowed a big area of land to pass from one hand to the other without circulating the proposal for opinion. Where was their sense of justice then? Where was their conscience? Their conscience evidently is under their own control and they can make it sleep or awake whenever they like. They may forget but the world cannot forget. I found those poor Udasis sitting *udas* (sad) before their door when the Gurdwara Act was being passed and they never looked at their grievances. Did it not occur to them that they might have to pass through the same Bill. These are the people who allowed at that time a thing being done, against the repetition of which they are complaining.

Mr. Labh Singh : What is the honourable member referring to?

Shaikh Muhammad Sadiq : The Sikh Gurdwara Bill.

Mr. Mukand Lal Puri : The honourable member's party passed it. Sir Fazl-i-Hussain passed it with the help of the honourable member's party, inspite of our support to the Udasis. We were opposed to its consideration.

Shaikh Muhammad Sadiq : Certainly not. The Bill became an Act with the support of the party opposite. It is now too late to say that a legislature has no right to touch personal property of an individual. We helped in passing that Bill, though we must admit it was a very stiff measure. We did it because the whole Sikh community wanted it. We are consistent but you are not. Now, these gentlemen want to circulate this Bill. As has been pointed out before, those amendments which my friends opposite deem objectionable and which had been added in the select committee, have by agreement been taken away and the Bill stands in a greater degree exactly as it went to the select committee. I, therefore, want to know the reasons for its circulation. They are wedded to the idea that a capitalist has a right to extract his maximum profits out of the foolish debtor by fair means or foul. In every civilized country capital is in the hands of the persons who possess it at the will of the legislature. If the people in England were to-day to decide that there shall be no capitalist and that every building and every penny is to be confiscated though it is unlikely, there will be nothing to stop it, and it will be done,

[Sh. Muhammad Sadiq.]

though the results may be disastrous. Capital may be in temporary possession of the person who possesses it, but it really is at the disposal of the people of that country. When a man dies in England the State takes away 50 per cent. of the money he leaves as death duties. According to my friends this is confiscation. A man earns lakhs of rupees and the Income-tax Department takes away 50 per cent. of his profits, is it not confiscation? A man lends to a person some money and if he does not ask for its return within three years, he cannot sue him. Is it not confiscation? You will never find any country where this is not done. The ownership of capital is always and everywhere restricted in certain directions. If you lend two thousand rupees to a friend and do not ask for it for three years, the courts will not allow you to get it back. Money must remain under the control of the nation. What does the nation want? We in this House, not only Muslims, but Hindus and Sikhs are also supporting this Bill and so also are the Europeans. The British Government with their eighty years' experience in this country have come to this conclusion that time has come when they must move in this direction. For eighty years they did not move in that matter and they were wrong in not doing so. The Sikh party is supporting the Bill, the Hindus are supporting this Bill and you will find that at the time of voting there will be only a few of the money-lending classes to oppose this Bill. It is so just that we should regulate the accounts that people cannot refuse it. My friend from Lyallpur every day asks questions about how many banias have been murdered and how many of them have been looted. How can you stop a man who has been fooled out of all his property from taking the law in his hands? You may punish him, but in exasperation he forgets everything. In a province like the Punjab where Sir Edward Maclagan said that action was quicker than thought, if through exasperation he loses temper it is no wonder at all. If the Government has to carry on the Government of the country, they have to think of these things and for the safety of banias and money-lenders themselves, they have to make laws which give protection to the poor zamindars by forcing money-lenders to be fair in their dealings and thus give no provocation and temptation to the debtor. We should try to check these murders and plunders which sometime occur and by measures like this Bill we want to alleviate the sufferings of debtors and at the same time bring all parties together. If the Act is passed and if my friend wants to improve it, let him come forward with reasonable proposals and I am sure this party will meet the honourable member half way, because our object is not to destroy capital but to restrict the use of the capital. The agriculturist should not be permitted to borrow heavily because his son is going to marry, and in so doing he should not be allowed to give a pronote for Rs. 1,200 or Rs. 1,400 when he has taken only Rs. 800, and thus ruin the whole of the family. That we cannot allow. What we want is that the borrowing power of the peasant should be restricted for necessities only. He should not be absolutely free to go into the market and borrow heavily at ruinous rates and then come back in distress to us when his land is being taken away. In England people who have no work get their food from Government, but this is not the case here, so if our people were to become landless, the things will become very serious and there will be millions of people who will have no work. What will happen, then? There will be

burekha gardi, as they used to say in the later times of the Sikh Raj. They will be workless, landless and will start looting the people. If, therefore, law and order is to be maintained, it is necessary that we should go and tell the peasant and the money-lender that there is going to be a limit imposed by the legislature that on the one hand you shall not borrow money beyond your means and that on the other hand you shall not lend money indiscriminately beyond a certain limit to the borrower, and that at not more than a specified rate of interest. We are bringing this Bill to discourage litigation. When the British Government came to the Punjab, there used to be only one court functioning in the Ram Bagh at Amritsar, now you find, three hundred lawyers, twenty sub-judges, ten honorary magistrates and ten extra assistant commissioners, all working day and night. So the time has come to encourage settlements by conciliation. I do not say that these conciliation boards that we are proposing are the last word in that idea, and cannot be improved upon; we can improve upon them and we can come to the House and to the public and say we want to stop this thing that is going on and I am sure every member of this House will rise to the occasion and we will pass a Bill to effect those improvements and then we shall be happy. But as soon as a Bill comes before the House, they start crying on communal lines and trying to sacrifice the interests of millions of Hindus in Hissar, Rohtak, Kangra and Hoshiarpur districts, for the sake of a few money-lenders. Do you mean to say that a Hindu money-lender will show any mercy to a Hindu debtor? Certainly not. Do you say that a Muslim money-lender will show any leniency to a Muslim debtor? There are pathans sitting with their *daggs* at the doors of their debtors trying to break their heads. These money-lenders in Muhammadan areas are just as unpopular as the Jews were in Germany. These money-lenders are a class by themselves. There is no difference between a Hindu, Muslim or a Sikh money-lender. If I became a money-lender, probably I will be as bad as any other money-lender. The temperament of a money-lender is the same. Anybody can be a money-lender. A Jat can be a worse money-lender than a bania. A pathan is a worse money-lender still, though under the Muhammadan law he is not supposed to lend. When he takes interest he takes with a vengeance and with *ghasuns*, *mukkas* and *hooras*. It is, therefore, not a class measure or a caste measure. It is a measure to protect a certain section of the population and I think my friends should welcome this measure and simply tell us what they want. I agree with Mr. Nanak Chand and others who said that that Government should take up the debts of the poor peasant and I think that that time may come when the Government may say, "All right, we will do what you say if you make a reasonable reduction in debts." But the difficulty is that some of the money-lender friends probably will make up documents by lending only one thousand and making the debtors to sign seven thousand, and we will have to sell the whole of the Punjab to satisfy the decrees of one-tenth of the bania creditors. The money that will be realized will be used for the benefit of the industries of the Punjab and it will be a great boon. But we know that these gentlemen do not try to lend money to banks because they can get only two or three per cent. interest, but they are always coaxing the poor zamindars to borrow for they may get 80 per cent. interest. For, these people never keep accounts. I know a friend of mine who is a money-lender. I asked him to tell me honestly

[Sh. Muhammad Sadiq.]

how he keeps his accounts and he replied that there is no doubt that sometimes money-lenders do not 'remember' to put down a certain item. But where is the wrong he said. So many times the zamindars take away our money and never pay back and it is only a matter of exchange, if we forget to enter items in our books. It is only a matter of *bhai chara*. There is no question of not keeping account. It is simply a matter of befooling or being befooled.

That is the thing. We are trying to stop it by this Bill. Yet there are bound to be so many loopholes in a piece of legislation like this. And these gentlemen will always try to wriggle out of the position. Nevertheless we should try to pass legislation which is as perfect as possible. Simply because we are having a law of this kind we do not believe that we are going to root out indebtedness altogether from the province and stop dishonesty. It would be like saying that because we have so many penal laws and imprisonment we have successfully prevented people from going to jail. The jails are still there. In a similar way by this enactment some loopholes will be created. It was three years ago that we passed the Regulation of Accounts Act. Because of the loopholes that were found in that Act it has not worked to our advantage. Very few cases have been decided under it. By this Act probably there will be new loopholes coming to light. We need not worry about that. There is nothing perfect, nothing free from flaw in this world. There will always be loopholes for individuals like the honourable member from Gujranwala and his friends. Let us take it from the honourable member that there are in the provisions of the Bill as it stands, many loopholes. Yet we have to try to fill up as many loopholes as we can. There would still be many left but we cannot help it. But what object will be served by circulating the Bill once again, especially when we find communal excitement among the people at large? Does the honourable member want that more excitement should be caused? Does he want to make this an election issue? They have always used this in connection with the Assembly elections. Does my honourable friend want that it should be used at elections to this Council as well? It would serve very well for members to come into the Council on this issue but it does not conduce to the peace and prosperity of the province. If you use every such legislation for your own aggrandisement for your coming to the Council through the election, it is good luck to you, not to the people who are to suffer. Such a contentious measure should, therefore, be finished as soon as possible. The sooner the contest is settled the better for the country. The honourable member said that the select committee to which the Bill was referred was packed. When was a select committee not packed? Have honourable members forgotten the Municipal Amendment Bill? Was not the select committee on that Bill a packed committee? Ask the Honourable Minister for Local Self-Government what happened then. Ask him if he was once the leader of a party and if he did not pack his committee with his own men as tight as he would pack sardine of his own brand. Government wanted to bring in a measure. They should not be in the minority. The Bill should be passed and it should be helped by a majority. We kicked up a row. Government did not hear. *Chah kan ra chah dar pesh*. Government said they could not waste a minute, that the Punjab wanted an immediate reform of municipal

administration. We had to yield. And now there is a tit for tat. It is not we who are doing it but you have started it and Government is taking advantage of it. Honourable members on the other side cannot therefore complain now like innocent lambs that they had never done this. This has always been the case in this House. I do not want to go through the provisions of the Bill in detail as they are coming before the House. But I appeal to my honourable friends with all humility and ask them not to shed crocodile tears for the fate of the poor zamindar but if they really want to help him, to come forward even now and present before us their real difficulty. Let them tell the House sincerely and honestly what they feel. If they convince us we are all in favour of modifying the law in such a way to meet them and to help the zamindars who form the backbone of the country, who are the real country itself. It is not we urban people who are living in comfort and luxury that form the mass of the people but it is the rural people. If they are happy we will be happy. But destroy the rural area, you destroy the backbone of the country. If you let the poor peasant be destroyed, there will be misery in the country. We see what is happening in America and in Germany. The Government of the next generation may be forced to bring in a legislation much more severe than this one if we do not remedy the situation even now. We are going to force Government (if we happen to be here) to force the money-lenders to keep regular accounts, to keep honest accounts. If they do this, if no *budmashi* is done by these money-lenders we shall see that the money-lender gets a fair deal. As it is we cannot claim that we are civilised unless and until we put a bar against the cooking of accounts unless we prevent the dishonest practices against the poor peasant. We want to allow every individual his liberty for that is our first duty as civilised people but we cannot allow the lender the liberty to destroy the peasantry of the country. We do not want to see our Punjabi countrymen roaming about distant lands in search of bread like the poor Purbias from the United Provinces driven by the usurious money-lenders. We want to see our province populated and smiling with peace and prosperity. With all respect to the honourable mover I ask honourable members on the other side to see the sense of the House and not simply to the opportunity of talking the public that they opposed the Bill, that they made the best speeches against the measure. The sense of the House is, and I am convinced that the Bill as it stands is in the best interests of the country and I appeal to honourable members to help in putting it on our statute book.

Mr. F. B. Wace (Registrar of Co-operative Societies): I shall be very brief in addressing the House for I wish only to correct one or two statements which have been made by recent speakers. One of these was that the Government had no sufficient basis for proceeding with this Bill and that much further investigation was really required before a measure of this kind could be put into force. The speaker called in question the estimate of the total volume of debt. Nobody would claim that that estimate is an absolutely accurate one. It was made in the first instance by Mr. Darling and formed the basis of his description of debt in his "Punjab Peasant." It was based on an examination of mortgage statistics of the province and it was checked by statistics maintained by co-operative societies on debts owed by members of those societies. It has been accepted as a generally approximate estimate in other provinces and it was also accepted.

[Mr. F. B. Wace.]

and checked by the provincial Banking Enquiry Committee, on which, I may remind the House, the urban interests were very fully represented. Therefore I do not think that it can be said that Government is proceeding on an arbitrary estimate of rural debt. To propose that Government should now enter upon an investigation of the number of people who owe Rs. 100, Rs. 200 or Rs. 500 would mean the setting up of a machinery far more elaborate and far more expensive and would take far more time than the machinery proposed for conciliation in this Bill. Indeed to propose the institution of any such enquiry would be simply to postpone this Bill to the Greek kalends. And that, in the present situation of rural debt, would be a thing which Government could not possibly accept.

There was also a suggestion that some attempt should be made to find out how much of this debt is productive and how much unproductive. That again is an impossible proposition. The debt, as it is, stands and the best that could be hoped from any measure now is, I think, that we should set up machinery to bring the debtor and the creditor together, to come to an agreement as to what the debtor really can pay and to give the creditor the hope that he would pay. It is a difficult question to go back into every debt and discover which is productive and which unproductive and to lay down that unproductive debt shall be wiped out. We all agree that unproductive debt should as far as possible be wiped out and it is the ideal of any system of rural credit that that should be done. But it is not now possible to go back into all the debts which have already been incurred and try to find out which is productive and which not.

One further point. It was said that Government by this measure was stampeding money-lending interests into accepting the measure as it stood now, and it was suggested that Government had no right to take action at present. It is really difficult to know exactly what is meant, for from the same benches yesterday we were told that Government was bound to take action because certain other Governments had taken action. While at the present time there is hardly a Government in the civilised world which has not found itself bound to take action, in view of the present depression, to make some adjustments of the relations between town and country, agriculturist and industrialist, debtor and creditor, it is impossible for this Government to stand by and allow things to go on as they are now, knowing as they do the situation of the agriculturist debtor. It is not a question of what a particular Government has succeeded and what it has not succeeded in doing. Hitherto, I think I am right in stating that, no Government has found a full solution of this problem. But that does not absolve the Government from trying to find the best possible solution and from applying it. And I think it is for this reason that Government is trying to get this measure through as quickly as possible, at least to apply the remedies which it thinks can be applied in the present circumstances. *(Cheers)*.

Mian Nurullah (Lyallpur South, Muhammadan, Rural): This Bill and its principle have been discussed threadbare at Simla and in the last few days here too. Many points of view have been expressed. But I want to express the point of view of a zamindar whose mainstay is agriculture, who has got some experience of banking and business, who has had the advantage of a special knowledge of banking and finance and who incidentally

is a creditor as well as a debtor. I am very glad to remark that the principle of the Bill has been accepted all over. But when I put myself the question how far the Bill takes us, whether it is going to achieve the object for which it is being brought, and I look round for an answer, the answer when it comes does not satisfy me. It makes me a little pessimistic.

The problem of indebtedness is a chronic one and we have been trying to find a remedy for the last few years. When we consider it deeply it divides straightaway into two portions. One is how far this Bill is going to affect past debts and another, how far it is going to help in future. A few clauses of this Bill do affect past debts and there is some hope of relief there. But on the other side when we look to the future, the Bill, I think, is practically a failure, as it stands. The main causes that have reduced us to our present position, are still there. I do not want to dwell on any of them in detail. They have been mostly touched by other honourable members. But a short reference from me would not be out of place and I would suggest to the honourable members of Government to look around all these sides to find the proper solution of the great problem before us.

I take first of all the incidence of land revenue. It is at present very high, in some districts it is crushing and if the prices remain as they are for some time, the land revenue must be reduced. Apart from that, other matters of land revenue and land taxation remain to be considered. I may remark that when I drew the attention of this House in 1930 that the land revenue should vary with some index number with the rise and fall in prices, the proposition was probably laughed at, but I am glad to see that the principle to some extent is being accepted as you see in the last Montgomery settlement and in the settlement at Lyallpur. Apart from this, the question whether land revenue should be realised in two big instalments remains to be considered. If it is realised by more instalments, by, say four instalments, then that will bring still more relief. It will not throw the zamindar right into the hands of the money-lender. Secondly, there is the problem of exchange. It is a very delicate problem, and it is one that concerns the Government of India and I need not dwell on that either. I am glad to remark that one of our very competent, talented and distinguished members is going to the Reserve Bank. I am sure that he will see to our interests there. Thirdly, there is the method of giving *taqavi*. *Taqavi* is a very useful thing, but the method of giving is very defective. Many a time *taqavi* is given when the need is over and the method of realisation of *taqavi* again needs elastic rules. Next, I would like to touch the question of marketing. That has been engaging the attention of the Central Government for some time, and I am glad that some action is being taken, but some agency, whether Government or private, is necessary to tide over the difficult time when the harvest is coming and the zamindar is too busy to go anywhere to borrow money. Some agency must be found to give him about 75 per cent. of his produce to meet revenue and other necessities at that time.

Mr. F. B. Wace : Is this relevant ?

Mian Nurullah : All these things affect the principle of the Bill. These are the causes that have reduced us to this present position and I must draw the attention of Government to them so that they should proceed in these

[Mian Nurullah.]

lines apart from the provision of the Bill. Therefore the question is quite irrelevant.

Next, I proceed to the question of subsidiary industries which has been touched upon by many members. Every zamindar should have a second string to his bow. He must be able to do something in his spare moments and all those persons, male or female who are free all the time should be able to do something, and that is the only way to increase the national output too.

The next thing that strikes me is that we should educate the public to formulate a sort of family budget and last but not the least thing is that the civil and criminal procedure should be so amended as to reduce litigation and its cost.

I leave all these points and come direct to the problem because my honourable friend is getting anxious. It is well-known everywhere that indebtedness has grown enormously. It is a dead weight, a crushing weight and we must tackle it straightaway. Here I would like to analyse how this has grown into such a huge volume. We borrowed a certain amount of capital. We have to pay it and we want to pay. But that borrowed capital was to be paid back in instalments, with some interest yearly, quarterly or monthly. Interest we want to pay but we want to pay within limits and the limits are being chalked out by this Bill. Thirdly and the most important that strikes me is the abnormal rise in the indebtedness due to the rise in the value of money. That is a problem very technical though scientific and I, as a business man, want to suggest certain solutions of the problem based on it.

Now, this rise in the value of money that has been taking place for a number of years must be checked. Not only should we try to check but reverse the policy. We should try to make money as cheap as possible. During the last few years the price of debt as compared with the assets that we owe or the commodity we grow has grown enormously. We should try to reverse the monetary policy in such a way that the ultimate effect is to reduce the value of indebtedness by the same amount. And here I want to make the matter clear by a particular example. If a zamindar borrowed in the year 1929 Rs. 100, he could then pay back that debt by selling 25 maunds of wheat at the rate of Rs. 4 per maund. The debt is there. The zamindar has been paying the interest. Now unfortunately the price of wheat is Rs. 2 per maund. The same zamindar to pay back Rs. 100 has to sell 50 maunds of wheat. Why should he pay the extra 25 maunds? I want to ask the greatest exponent, our honourable lady member from Ambala who is the greatest exponent of the *sahukar*—to convince me why these 25 maunds extra should be paid to a creditor who only gave a certain amount which could be paid back by selling 25 maunds of wheat?

Therefore we must take away the artificial means of payment. To find out a solution the question can be solved by a highly technical method. If we could ask the Government of India to follow a policy of exchange and monetary policy which is to try inflation instead of deflation and make the money cheaper naturally our debt would be lightened. But if unfortunately we cannot persuade them to do that, then the Punjab Government should

take courage in both hands and revalue all the debts. Many suggestions have been made that these debts should be paid to the extent of 4 annas in the rupee or 6 annas in the rupee. That again is not scientific. The scientific basis is this, reduce the value of money according to the index number of prices. If the price of money has doubled and the price of commodity halved, the debts should also be halved. This is the only way, and once the debt is revalued then a good beginning can be made. Then if the debtor can pay he must be forced to pay. If he cannot, then another reduction might be necessary according to his capacity to pay. I have an alternative to suggest. When the debt has been revalued, then the Government should float a loan as suggested by my honourable friend and take over the debt and realise it by instalments, in the shape of land revenue. These are the main problems that remain to be tackled. As regards the Bill itself, I think its provisions are inadequate but as it stands, I see no harm in it and welcome it in spite of its drawbacks and give it my full support.

Mr. E. Mayadas (Nominated, non-official): Sir, we have been listening to this debate and a great many facts have been placed before us, but I tried to find out if anybody would explain whether such a crisis ever occurred in the history of the Punjab before this. The money-lender and the zamindar have been living in the Punjab since time immemorial and I wonder whether history has anything to say about it. Therefore, we naturally look for an explanation as to why this crisis has now come about. It would appear that the Great War has had something to do with it. During the war prices of all grains rose very high. Cotton went up to about Rs. 30 per maund, wheat went up to Rs. 12 per maund and similarly other agricultural produce. The result of this was that the zamindar was rolling in wealth, and he got in the way of spending lavishly. His credit also went up and he was able to borrow money easily. The *sahukar* was also very willing to lend him because he knew that if the zamindar had spent a lot of money, at the next harvest he would probably repay him. But those golden days did not last long. Prices fell and then the zamindar found it so difficult to make the two ends meet. But he had got into the way of living to a higher standard of life, more or less lavishly, and he continued to borrow money and both he and the *sahukar* had hopes that good days would soon come back again, but it was not to be so.

I think that this is partly the reason why the debt has piled up so fast and the figure has risen so very high. But if the methods of calculation had been normal we would not have felt bad about it but we know that the methods employed by the *sahukar* are really abnormal. There is not only the exorbitant rate of interest but the accounts are put down in a way as to make the actual amount borrowed many times of what it should be. Within the last few days I have heard of a case in Lahore of a pathan money-lender who lent Rs. 100 at the rate of 25 per cent, not per annum but per month. If money-lenders can go to that extent how will it be possible for the borrower to repay? Of course it can be said it is the fault of the borrower. Why should he take loan and not understand what he was doing? But all borrowers are not alike. I think in a great many cases

[Mr. B. Mayadas.]

these transactions might be likened to a transaction between a wolf and a lamb. The wolf has the cunning and strength on his side and the lamb is simple and powerless. But at the same time it should be stated that many a lamb is fast learning the arts of a wily and evasive fox. Be that as it may, we have got to face the situation. The situation is that here is the zamindar who is ill, he is so ill that he cannot get up and walk. Over and above that there is the great burden of about 200 crores crushing him. There is the fear of his very existence being brought to an end. Apart from this weight of 200 crores, there is the additional weight of about 8 crores per mensem being added. Unless something is done to immediately succour him what can be expected? What if he dies, and many zamindars are dying every day. It means then that nothing will be repaid. What will the *sahukar* get when the zamindar is dead? There is no doubt that the *sahukar* at one time owned a goose that at regular intervals used to lay a golden egg. The *sahukars* used to tell the zamindars, "Well, the harvest has come, pay your debt" and the zamindar paid the debt along with interest. But that cannot be done now.

I had hoped that the representatives of the *sahukars* in this Council would come forward with a suggestion that they would go out to the *sahukars* and ask them immediately to stop charging interest on this loan of two hundred crores; that is to say, no further interest should accrue on this debt. By this means they would have infused some hope into the hearts of the zamindar that at least further increasing of his debt had been arrested. I also expected another suggestion from them that they would speak to the zamindars, "Look here, in every district we are going to hold an enquiry. Let any zamindar who has any grievance come before our committee with any complaints that his accounts have not been properly prepared by the *sahukars* or that an exorbitant rate of interest is being charged." If such a gesture had been made by the representatives of the *sahukars* I think it would have gone a long way to make for better relations. Similarly, I would have expected the representatives of the rural classes that are in debt to come forward with the following suggestion that they should have said to the *sahukars*, "Look here, tell us what man there is who you think, has the ability to repay his loan but is not willing to do so. We will make an enquiry, we will put pressure on him and we will arrange for re-payment in such a manner as we think that the circumstances permit." I think there is reason to believe that amongst the representatives of the *sahukars* and the representatives of the rural classes these suggestions have been discussed and thought out. Probably there are many who would like to put forth these suggestions but they have got obstacles in their way at present and that is why they have not been able to make those suggestions.

Just one word with regard to the proposed protection to be given to those big zamindars who do not require protection, who have plenty of property and big assets out of which they can meet their liabilities. In this connection I am reminded of an event. I once heard about a certain Indian State. That Indian State had an army, but all the men in that army had been recruited from outside the State. The people of the State went to the ruler and begged him saying, "Why is it that you get all your recruits from

outside? Why don't you give us an opportunity to serve you? We will also serve you as well as any of those you have got." To this the ruler agreed and he ordered an army to be recruited from inside the State. After some time it was reported that the army was ready to take the field. The ruler ordered that the army should camp at a place about ten miles from their headquarters and that he would go there and inspect the army. These people marched to the camp and towards the evening some men came to the commanding officer and said, "Sir, we have made the biggest mistake that we ever did." "What is that?", he asked. "Sir, we have come but we have not brought any chowkidars with us. Who is to look after us in the night?" "What a wonderful army that stood in need of protection by chowkidars! I know that amongst the representatives of big zamindars there are great many who look upon this as a slur, that they should be given protection. But they are unable to speak against this measure because they have got obstacles in their way, and at present they are not able to do so."

I cannot help thinking of one more matter. In the future what is likely to happen? Are our courses going to be entirely separate, or are our paths going to cross again? If our paths cross, how will we meet, in friendship or in hostility? A few months hence the wheat harvest will be ready. The zamindar will be bringing his grain into the market nearest to his home. Supposing the *sahukars* are in an overwhelming majority at the market who is to purchase the wheat, etc., and supposing they combined and said, "Well, now these people have treated us shabbily over this Indebtedness Bill, we are going to worry them. We are not going to buy their wheat at any rate not at market rates." Several men will have come with their cart-loads of wheat, the carts will be standing there in the market and there will be no purchasers. What will those men do? This is likely to raise many complicated questions if this feeling of hostility exists between the money-lender and the zamindar. This is but one possibility that I can think of. I am inclined to think that many more such difficulties can occur. We must not forget that we have got to live together and the more we live in friendship the better. I think with calm thinking on both sides there are great hopes of our finding a solution. The one solution of the problem I suggest is this, that until there is another war or until prices rise there should be no addition to the interest on the debt which has already accrued.

Let us not forget for whom we are doing all this. We are taking all this trouble for the future generation. What legacy are we going to leave for them? Is it going to be one of friendship or of enmity, of love or hatred? Let us remember that nothing that was built upon force or hatred has ever lasted for any length of time. Let us try to remember the words of Napoleon Bonaparte a short time before he died. He said, "I laid the foundation of my kingdom on force, and look where it is to-day."

These are the few observations that I wished to make, but as to how I will vote on this question of recirculation of the Bill I am as yet undecided.

Sayad Mubarak Ali Shah (Jhang, Muhammadan, Rural) (*Urdu*): A large number of members have spoken on this Bill. They have discussed its provisions from every point of view. All parties have presented their point of view on this Bill. I wanted to congratulate the Government for

[Sayad Mubarak Ali Shah.]

bringing in such a Bill but now I find that the Government does not deserve any congratulations for this Bill. The reasons for this are many. The zamindars who expected to be benefited by the passage of this Bill into law have been greatly disappointed to find that the remedy of their ills is not contained in this Bill. The remedy which has been suggested in this Bill is not commensurate with the ill from which the zamindars are suffering. It is only a half-way measure. The hope that was given to the zamindars by the news that a measure to save them from indebtedness is under contemplation vanished after the Bill was drafted and circulated. Those provisions which were really helpful have been cut down by the Government. The Government in alliance with the leader of our party removed those provisions from the Bill.

Sir, there are many causes of the increase of the burden of indebtedness. The main cause of this indebtedness lies in the enhancement of the credit of the zamindars during the war days as well as after it. There was a sudden rise in the prices of agricultural produce during the Great War. The zamindars rolled in gold. The prices rose four times. By this the credit of the zamindars also went up. The zamindars on account of their ignorance and shortsightedness believed that these prices would permanently remain at this pitch and increased their expenditure. They raised their standard of living. They borrowed in the hope that the loan could be easily paid back as soon as the crops had been gathered and disposed of in the market. This process continued for some years and then suddenly the prices fell to the present level. Unrest ensued. The Government also noticed it, and the Government officers thought of taking some steps to relieve the distress. The first step which was taken was the appointment of the Banking Enquiry Committee. This committee made enquiries all over India. It made enquiries in the Punjab also. As a result of these enquiries it was found that the burden of the rural indebtedness was so much and the figures of this heavy indebtedness sent a thrill through every heart, for every one felt that if the burden of the rural indebtedness was not relieved the agricultural classes would be destroyed. Then, the Punjab Government appointed an indebtedness enquiry committee. The zamindars who were groaning under a crushing burden of debt heaved a sigh of relief, and their disappointment changed into anxious waiting. The committee submitted its printed report which came under discussion in this House also. But there was no end to the disappointment of the zamindar members when they saw that there was practically nothing in that report which could benefit the rural population. On the other hand, there were some recommendations which were totally against the interests of the zamindars. And the zamindar members of the committee did not append any note of dissent to the report but acquiesced in its recommendations. Anyhow we discussed that report and thereafter we learned that the Government proposed to draft a Bill on the basis of the recommendations of the Indebtedness Enquiry Committee. Again, the hearts of the poor zamindars were filled with hope and they thought that the days were not distant when the burden of their debts would be considerably lightened. The condition of the zamindar at that juncture had a striking resemblance to the case of a patient who

on the verge of death sees a ray of hope in the bottle of medicine sent to him by an able doctor. After that the present Bill was introduced in this Council. It was, I think, in the last Budget session. Then it was circulated to elicit the public opinion. After a few months a special session of the Council was called at Simla where the Bill was referred to a select committee. Meanwhile the anxiety of the zamindar and his disappointment increased with the lapse of every day. The Government, I am constrained to remark, kept the zamindar too long in suspense. It was this unaccountable abeyance in the consideration of the Bill which fanned the flames of discontent in the rural Punjab. If the Bill had been passed a few years ago such deplorable events as have recently occurred in certain villages of the province would not have occurred at all. Those events have really sullied the fair name of the peaceful Punjab peasant but their root cause was the inability of the Government to rise equal to the occasion and to pass the Indebtedness Bill into law at a time when its need was most acutely felt.

Now, after the Bill emerged from the select committee we hoped that it would be passed into law in its present form. But now our respectable and revered Raja Bahadur has moved a motion the purpose of which is nothing else but to put unnecessary obstacles in the smooth passage of the Bill. All I can say about his amendment is this that it has come from a quarter from which it was least expected. Raja Sahib is a notable representative of zamindars. He himself is a big zamindar and knows the conditions of the zamindars fully well. Moreover, he has held responsible positions in life and has been the preserver of law and order. I never expected that he, of all people, would come forward to oppose a Bill the passage of which is bound to contribute to the peace and prosperity of this province. I wonder what reasons have induced a prominent representative of zamindars of Raja Sahib's position to oppose this measure. Anyhow he knows his reasons best. I need not try to guess them. My duty is to acquaint this House and most particularly the Government with my own feelings and the feelings of my party on the matter under discussion.

Personally I think that if this Bill is delayed for another four or five months the zamindar will no longer be able to put up with this abeyance. When he finds that there is no way out of his difficulties and it is totally impossible for him to get rid of this crushing burden of indebtedness in the near future, he will jump at the throat of his creditor just as a furious lion pounces at his hunter. I am not an alarmist nor is it my habit to give meaningless warnings but these are facts which should not be ignored by the Government. The accusation of Mr. Labh Singh that Nawab Jamal Khan was referring to the Jhang and Muzaffargarh events with a view to create bitterness in the minds of the people was baseless. I am sure nothing was farther from his mind. If we ever refer to these events we do so in order to show to the Government and the people at large that it is not far from probability that the fears expressed by us may assume tangible shape and our forebodings may come out true.

I come from Jhang. I know that the root cause of the troubles of 1915 was economic difficulty.

Mr. Mukand Lal Puri: They said they were Germans.

Sayad Mubarak Ali Shah : I am coming to that. The party that was aggrieved did try to give the affair a political complexion. But the fact is that the real trouble was due to difficult economic situation. The fault was of the *sahukars* and the Government agents who were in league with each other and proceeded to pass and execute decrees against the zamindars in large numbers. We are arraigned for making inflammatory speeches and reviving sad memories. But people in our *ilaga* know it full well that it was we who protected the afflicted *sahukars*. We gave shelter to their womenfolk and they lived in our houses like our own sisters and mothers till succour reached from district authorities and the trouble subsided. When they left our houses we gave them clothes and money as is the custom in the houses of zamindars. People of our *ilaga* know these things and the *sahukars* there will fully bear me out in this respect.

Mr. President : Will the honourable member please speak to the motion before the House ?

Sayad Mubarak Ali Shah : I have to explain my position. My submission is that the delay in the passage of this Bill will be injurious to the interest of both the zamindars and the *sahukars*. I am afraid that if its passage is delayed any further we will have to face a repetition of the Jhang and Muzaffarpur events all over the province. In that case the *sahukar* and the zamindar will suffer alike and even the Government will not remain immune from the after effects of such a scuffle between its subjects.

This is a Bill, the passage of which has kept us waiting for a sufficiently long time and now we are tired. After all what remedy has the Government offered in this Bill for the very difficult problem of indebtedness ? If any remedy has been offered at all it is quite insufficient. The Government have administered the same medicine to a patient who is suffering from the inflammation of the brain which is ordinarily given to one who has a slight headache. They have given one grain of quinine to a patient suffering from chronic malaria. And even this prescription is being delayed. In these circumstances God only can save the poor patient. The Government should act like a good doctor who unmindful of the amount of fees he is likely to get, puts his heart and soul into his work and thinks that the greatest recompense for his labours will be the recovery of the patient.

The conciliation boards which are proposed to be set up in order to effect a settlement between the debtor and his creditors should be constituted of honest and well-meaning gentlemen.

Mr. President : Order, order. The honourable member is not speaking to the motion. When the Bill is actually taken into consideration he may rise and speak to the clauses and discuss the personnel of the conciliation boards. This is not the stage to discuss these points.

Sayad Mubarak Ali Shah : I would appeal to the Government and this House that no further delay should be allowed in the passage of this Bill. If it is passed into law very soon it will improve the relations of the debtors and the creditors in the long run. I am afraid if it is delayed any longer some trouble may crop up in the province. With these words I

would request Raja Sahib to withdraw his amendment and thus save the situation in the province which is threatening every hour to ruin the peace of this country. I hope he will accede to my modest request and will collaborate with us in an attempt to better the conditions of the zamindars of the province.

Mr. Mukand Lal Puri (Punjab Industries): Sir, the discussion on this motion has proceeded on general lines of relations between the creditors and the debtors or on the necessity of giving some kind of relief to debtor classes on account of agricultural depression, rather than upon specific provisions of a Bill which the Government is now asking the Council to consider. I propose, with your permission, Sir, to confine myself to the specific provisions of the Bill and to point out, if I can, that these proposals have not been considered properly, they are inequitable and the Government has not devoted to these specific proposals the attention which their importance deserved. No Bill in recent times has elicited so much criticism as the present Indebtedness Bill. Apart from the expression of opinion of creditors or debtors or of partisan organizations on one side or the other it was a European deputy commissioner who described this Bill "as an unfortunate experiment in party legislation which would permanently antagonize one class." Another European deputy commissioner pointed out that the problem could not be solved "without dealing a shattering and unjust blow at one section of the community." This was the criticism from the point of view of this legislation being a class legislation. On the merits of the proposals, the opinions were no less definite and emphatic and it was again a European deputy commissioner who pointed out the futility of fixing rates of interest by legislation and further pointed out that "the Bill was vitiated by an inner contradiction inasmuch as it attempted to reduce rates of interest and at the same time decreased facilities for realization." Again it was a European district and sessions judge who characterized the whole legislation in the following words:—

That the Bill embodies neither sense, policy nor justice, that it was intrinsically unworkable, morally iniquitous and juristically an outrage.

Mr. President: At what stage were these opinions expressed? Was it not when the Bill was circulated first?

Mr. Mukand Lal Puri: Yes. And these opinions, as I am going to show presently, apply with added force to the Bill, as it has now emerged from the select committee.

Mr. President: After the receipt of these opinions the Council referred the Bill to the select committee and thus committed themselves to the principles of the Bill. Therefore, the honourable member is not strictly speaking entitled to go back to the stage before committal. The question at the present stage is whether the Bill should be taken into consideration or whether it should be re-circulated.

Mr. Mukand Lal Puri: This criticism applies *à fortiori* to the Bill as it has emerged from the select committee, because, as I am going to point out to the House, the bad features of the Bill which elicited those criticisms had been made worse and therefore this is the time when the House should consider whether it has not gone too far and whether it is not yet too late to stop. Sir, such was the general line of criticisms on the Bill as a whole.

[Mr. Mukand Lal Puri.]

With respect to one of the most criticised portions of the Bill, the proposals with respect to conciliation boards, no less a person than Sir Henry Craik, while introducing this Bill, had said,—the provision was of so novel and extraordinary a character—that “the Government only intended to try this measure in one or two selected areas as an experimental measure.” That was the stage when this Council was pleased to refer this Bill to the select committee. We sitting on this side of the House thought that the Government being in possession of these opinions, would certainly do something to modify its original proposals in the light of the criticism received. But, Sir, it appears that the Government had to contend with people who were in no mood to listen. And one of the features of the Bill which had been criticised was that the attempt to reduce rates of interest for the future could not go on logically at the same time with attempts to reduce security for the loan and facilities for realization of the debts. It was expected that the select committee would amend the Bill to meet that criticism, but, Sir, as you would find from the actual amendments of the various portions of the Bill, far from doing anything of the kind, the select committee has ended by considerably decreasing further even the existing facilities for realization of debt, so much so that from the heading of the Bill, the words that the Bill was intended “to improve agrarian credit” were removed for the reason as given in the report of the select committee, that the provisions of the Bill are inconsistent with this object which the Government had originally set out to achieve. Therefore, it is clear that at least one of the principal objects which the Government had in view in introducing this legislation has been knocked on the head by the select committee. I wish to take this opportunity of explaining my own position and that of the minority in the select committee. The constitution of the select committee was such that even the Government found itself unable to carry any proposal, howsoever reasonable it might be and we members of the minority party found that it was impossible for us to put forward any suggestion with any chance of acceptance, howsoever proper, useful and desirable the proposal might be.

Sardar Bahadur Sardar Buta Singh : Question.

Mr. Mukand Lal Puri : As a party, we definitely decided that we should support the Government in passing an equitable and reasonable measure of relief. We decided to support the Government in any proposals that it put up. That was our attitude and in reply to the criticism of the honourable member from Amritsar I may be permitted to say that Honourable Finance Member, Mr. Boyd, who presided over the committee was very fair and reasonable and used all his powers of persuasion and reasoning to induce the members of the majority party to accept his suggestions and in fact on certain occasions he had to point out that if reasonable proposals were not accepted, the Government would have to consider the desirability or otherwise of proceeding with the Bill. But this had no effect.

Chaudhri Allah Dad Khan : On a point of order. Is the honourable member in order in referring to what happened in the select committee?

Mr. Mukand Lal Puri : I am in general entitled to refer to our attitude in the select committee. The reply that was vouchsafed to these

importunities was that they would not be cowed down by these threats. Therefore, we supported the original proposals of the Government in the select committee inspite of the adverse criticism which they had elicited from officers of Government themselves, and inspite of the fact that they needed amendment in the light of this weighty criticism. Not only were the Governments' proposals to improve the original Bill turned down by the majority, but the Bill was drastically amended so as to emphasise the worst features of the Bill, against the opinion and vote of the official members of the committee. Therefore the Bill as it has emerged from the select committee, is not the Bill of the Government. It is a Bill which has been dictated at the point of the bayonet by the leader of the indebted classes at the head of a majority. For the sake of illustration take the two provisions of the Bill which are most inequitable. One is the provision with respect to Usurious Loans Act, sub-clause (4) of clause 5, which fixes the rates of interest, abolishes compound interest, and makes rates of interest operative with retrospective effect. The specific proposals on these points were passed inspite of the opposition of the official members. Again look at the new provisions relating to the conciliation boards. The *sine quo non* of conciliation boards according to the Central Provinces Act and the original Bill was that 60 per cent. of the creditors should agree. Official members were again defeated on this matter and the committee has substituted one creditor instead of sixty per cent., in the teeth of official opposition. We naturally thought that on these two matters at least the Government would stick to its opinion. The Government when it brought forward its original proposals had definite opinions on the subjects and stuck to them at any rate up to the select committee stage. Even in the select committee, they insisted on their view and we understood that there were matters of fundamental importance and the Government would not compromise on these matters of principle. And therefore we naturally thought that the Government would either withdraw the Bill or re-circulate it for eliciting opinion and that was the impression which was created on us, and that was the impression which the public also shared. But it appears that something has occurred which has made the Government change its opinion. It appears that the Government at the back of the minority members of the select committee has entered into certain negotiations with the leader of the Unionist party and has yielded on most of the points. I want to ask the Government, is that a proper method of dealing with the matter? If any negotiations were being carried on with the leader of the debtor classes and the majority party, it was only fair that the substance of those negotiations should have been communicated to one member at least of the minority party, with the object of enabling us to put our point of view on the new proposals before the Government, before it finally made up its mind. It was very necessary that those new proposals should be considered from all points of view. As I have stated, we could never hope to carry any legislation except by appealing to the reasonable attitude of the Government, except by beseeching the Government to hold the scales even, except by imploring the Government to stick to an equitable view of things and all that we wished was, that before the Government gave up its original position, or the one which it had taken at the select committee, before the Government changed its

[Mr. Mukand Lal Puri.]

entire front, it should allow us to make a representation to the Government on the new position. But that has not been done. In view of these facts, is it not proper that proposals that Government has now sent up should be circulated for eliciting opinion so that the Government may be acquainted with all the points of view with respect to those proposals? It may be that expression of opinion by me on particular proposals may not appeal to the Government, but it may be that the same opinion expressed by its deputy commissioners, its judges and other experts might help the Government in arriving at a more equitable and correct position. Why is the Government depriving itself of that chance? Has the Government devoted sufficient time to the matter? Is it in possession of the opinion of the experts on its new proposals? I respectfully submit that the Government in acting in this manner is certainly not acting in a judicious or a wise manner.

You, Sir, were pleased to point out that the changes in the Bill are of such a character as to make it practically a new Bill. And this, I submit, is so not only because of proposed legislation on new topics but also because of drastic amendments to the provisions in the original Bill. The Honourable Finance Member says that he has entered into some kind of understanding with the Leader of the Opposition that he will not insist upon clauses 36, 37 and 38 of the Bill. And therefore he thinks, so I take it that this prevents the Bill from being a new Bill. I ask, what about clause 32? What about part VII which contains amendments to certain sections of the Redemption of Mortgages Punjab Act, 1913? Both these clauses or the subjects dealt with by these clauses were not ever mentioned in the original Bill. The latter is certainly an amendment of an entirely new Act. Again what does the Honourable Finance Member say to section 84 which deals with amendments to section 60 (1) (c) of the Code of Civil Procedure, 1908. That is an entirely new topic and a very difficult subject. That section deals with certain kinds of property which are exempt from attachment and there are about twelve or thirteen classes of them. This clause proposes to amend a provision of the Civil Procedure Code which was never contemplated by the original Bill and on a most important point and in a manner which I would submit decreases the security of the creditor and decreases his facility for realization, topics on which the opinions of officials had expressed itself in unambiguous terms. Again clause 35 deals with the amendment to Order XXI, Rule 2 of the Code of Civil Procedure. This again is an entirely new clause, amending a very important provision of the Civil Procedure Code, which was not in the original Bill. Its provision was enacted by the original framers of the Code with a view to expedite execution proceedings. The effect of this amendment would be to hold up execution proceedings interminably. Did anybody contemplate either when the Bill was introduced or when it was circulated that this provision of the Civil Procedure Code would be amended in this fashion? Simply because out of the six new amendments of previous Acts which are now embodied in this conglomerate part of the Bill, three are intended to be withdrawn, it does not follow that the Bill ceases to be a new Bill. Then, can anybody say with respect to the amendments made to the Usurious Loans Act by the select committee that they do not make the Bill practically a new Bill? Do not the amendments relating to conciliation boards make

the Bill a new Bill? If the Government is not satisfied with your opinion Sir,—and your knowledge of constitutional procedure, I may be pardoned for saying, is second to none—would it not be proper for the Government to consult its own law officers, the Legal Remembrancer, or to consult any other lawyer in whom it has confidence? I respectfully suggest, that under these circumstances the Government should not be a party to laying down a constitutional precedent which is fraught with dangerous consequences. With respect to clauses 32, 34 and 35, three amendments of other Acts than those mentioned in the Bill I may state that the select committee of which I was a member was not even aware that these specific amendments were at all going to be put forward till the last day of its sitting. If a member of a select committee wishes to put forward amendments, and amendments of a far-reaching character, on a matter unconnected with the original Bill, he should, in my opinion, circulate the amendments to other members a day or two before they came up for consideration. What happened in this case was that on the last day these amendments were put forward and were hurried through. As a member of the select committee, I asked Rao Bahadur Chaudhri Chhotu Ram on the preceding day whether he would kindly let me have a copy of the amendments to the other Acts which he proposed for the committee to consider. But a copy was not made available to me in spite of a definite request for the same. Therefore, even in the select committee we were not in a position to go into these amendments carefully or to give that close attention or considered thought to them which their importance deserved. An amendment of an all-India legislation like the Civil Procedure Code is a very important matter. The provisions of the Code have been subjected to judicial interpretation by the highest courts, the Privy Council and the High Courts for a very long time. Section 60 of the Civil Procedure Code is not only applicable to the Punjab but it is applicable to all the provinces and no other province has thought fit to amend it. Again, in all the provinces, in all the various attempts at legislation which have been or are being made to deal with the problem of indebtedness, has anybody except Chaudhri Chhotu Ram suggested the desirability of amending such a useful provision as Order XXI, Rule 2 of the Civil Procedure Code? There is neither weight of authority nor any rhyme or reason for it. Is that the hasty manner in which the Punjab Government wishes to rush through legislation, a legislation which attempts to amend all-India enactments of this type? Leave aside the technical objections. Let us look at the matter from a practical point of view. The select committee unanimously reported that the Bill has been so altered as to need republication. When a select committee says so it does not only mean technical republication. The idea underlying republication is that people who are likely to be affected by that legislation might become aware of it so that they may be in a position to place their point of view before Government. Has the present republication had that practical effect. In fact it was only on the 18th of this month that the report of the select committee was presented. (*The Honourable Mr. D. J. Boyd*: Republication has been done but re-circulation has not been done. That is another matter entirely.) I say that the formality of republication has certainly been gone through but has that republication attained its object, i.e., served its purpose, i.e., of really informing the people concerned of the changes. Technically the provision has no doubt been complied with but that republication has not

[Mr. Mukand Lal Puri.]

gained its object. I wish to bring to the notice of the House that I have made enquiries in this matter and I know that even now the astounding provisions of the new Bill are not familiar even to educated persons and that for obvious reasons, because the report of the select committee was not presented to this House till the 18th of October. Nobody reads the gazette. It is only when things appear in the vernacular and English Press that they come to the notice of educated persons. It was two or three days after the presentation of the report of the select committee that report of the committee was published in parts in the press. A few days after the report had been introduced I happened to meet persons connected with Joint Stock Banks and I asked them what they thought of the present legislation. They said that it did not affect them at all for banks were excluded. I asked them to read the report of the select committee, which does not exclude them. It only excludes banks with respect to the provision for compound interest. It does not exclude them with respect to other provisions, for example, of the Usurious Loans Act. They did not know this till I brought it to their notice. And that was the information possessed by educated people of Lahore, people connected with Joint Stock Commercial Banks, people getting Rs. 1,000 as salaries and who should know if anybody knows about this legislation. There is nothing strange in it, because it is impossible to become aware of provisions of a complicated Bill in a week's time. This was three days after the report of the select committee had been presented to the House. It was after I pointed out to them that it affected them—I happen to be connected with one of the leading Commercial Banks here—that they took notice of the matter and brought it to the attention of the authorities. If bankers connected with Commercial Banks here know only that much about the Bill, you may take it that the provisions of the Bill are not even known to those persons with respect to whom you are attempting to legislate.

Again, it was stated by Chaudhri Chhotu Ram that they tried to remove the stigma as far as they could of this Bill being a class measure. You ask any one as to whether this Bill is to apply to rural indebtedness only or whether it is of general application. The average man will tell you that it has got nothing to do with borrowings between a townsman and a townsman or a trader and a trader but that it is confined only to rural indebtedness. That is the impression which is created by the speeches here bringing to the notice of everybody the difficulties of the zamindars. But this Bill as the people of the province ought to know, affects equally the trader as well as the agriculturist. It affects dealings between a commission agent and a commission agent, between one townsman and another. And that point of view as the dissenting note of Chaudhri Chhotu Ram will show, has been emphasised in the Bill as it has emerged out of the select committee. Therefore, is it proper that if you are going to affect the dealings of a class which has not asked for protection, if with a view to remove the reproach of partiality, the reproach of its being a class legislation you have brought within the ambit of the legislation classes which were not previously affected by it, is it proper, I asked the Government, not to recirculate the Bill and elicit the opinion of those persons who are affected by it? That is the point of view which I wish the House to consider very carefully. It is

claimed by certain people, although they are in my humble opinion utterly mistaken in their view that the restriction of credit of agriculturists works to their benefit. However they are entitled to their opinion. I am not here to question that. But a trader might very well say, this restriction of credit is not good for me. I wish to borrow money at 10 per cent. with a view to invest the same and make 24 per cent. and if you restrict my credit you practically take away my means of livelihood. If you fix unnatural rates of interest in the case of a trader his credit is restricted and you are not doing anything to benefit him. (*The Honourable Revenue Member*: Which portion of the Bill is the honourable member referring to?) The honourable member wants to know which provisions would affect a trader. I reply, all the provisions of the Bill, all the 38 clauses with the exception of the provisions relating to conciliation boards affect everybody in the country, trader, agriculturist, non-agriculturist and all. That point of view should therefore not be ignored. The trader should be asked if he wants this protection. Is it really a protection for him? With respect to the question by the Honourable Revenue Member I make bold to say that with the exception of conciliation boards and some other provisions which are of no consequence, the Bill deals with everybody. Under the guise of giving relief to agriculturist debtors on account of agricultural depression here is a piece of legislation which is going to affect the dealings of everybody. Is it or is it not a fact that with the exception of conciliation boards, everything in the Bill is of general application? As the honourable member still persists in questioning this matter I shall go through the provisions of the Bill to show that my contention is absolutely correct. Insolvency procedure refers to every one. That is part II. Part III—Usurious Loans—refers to every one. Part IV which deals with debt conciliation boards applies to the debtor. Part V dealing with *damdapat* applies to the debtor. Parts VI and VII apply to every one. Section 33 applies to every one. Section 34 applies to every one, so do sections 35, 36, 37 and 38. So that the only provisions which apply to agriculturist debtors are the provisions relating to conciliation boards and *damdapat*. Every other provision is of general application. With respect to compound interest—a proposal that Government has now dropped—there was a provision that it may not apply to banks and traders. There was no other exception. They apply to every one. The Government has sent a new amendment fixing minimum rate of 7 per cent. compound interest on secured mortgages. Do you think, can any member of Government say, can any member of this House say, that it is possible to secure in Lahore a loan on 7 per cent. compound interest on immovable property?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan: I believe the honourable member is under some misapprehension.

Rao Bahadur Chaudhri Chhotu Ram: Clause 7 (1) does not include everyone.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan: Even in other parts except part III everybody is exempted except the debtor.

Mr. Mukand Lal Puri: I am afraid if this is the state of knowledge of the Honourable Leader of the House, then the other people in the Punjab can be pardoned for their lack of knowledge.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Even in part III banks are excluded from the operation of the clause.

Mr. Mukand Lal Puri : They are only excluded from the clause as to compound interest. They are not excluded from the clause as to the rates of interest, which applies to everyone.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : They are not excluded even now as the Act stands. This Bill does not introduce anything new.

Mr. Mukand Lal Puri : My submission is this. I wish to point out that in spite of what has been done people in this province imagine that it does not affect the relations between a trader and a trader.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : We are not making any changes. So far as the Usurious Loans Act is concerned their position will remain unaltered.

Mr. Mukand Lal Puri : But with this modification that you are fixing the rates of interest between a trader and a trader and you are laying down that beyond those rates any trader who borrows from another trader will be borrowing at excessive and unconsionable rates and it will not only be permissible but it will be obligatory on the courts to open up all those transactions for a number of years and make deductions for the payments which have already been made and if necessary pass a decree in favour of the debtor—

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It is specifically excluded under clause (e).

Mr. Mukand Lal Puri : I wish to bring it to the notice of the Honourable Revenue Member that the exception only relates to compound interest, that compound interest between a trader and trader will not be objected to but the objection does not extend to fixing the rates of interest which have been now fixed under the Act. Now, the Act lays down that any one who has borrowed money at a rate in excess of 8 per cent. simple interest on a mortgage of house property that interest shall be considered to be excessive and by virtue of the provisions of the Usurious Loans Act it shall be now obligatory upon the court to open up that transaction for a number of years. I put it to the honourable member, is it possible for any person to borrow money at 8 per cent. simple interest on a mortgage of property situated in Lahore? If that is not possible, is it not time that Government reverted to its original proposals? The original proposal was 12 per cent. compound interest. It is here published on page 2. I wish the Council to pay a little attention to what I am saying because it is a matter on which Government would have been well-advised in asking for information. The Government has not at all realised the import of their new proposals. They could have got the necessary information from the registration offices in about two days. But Government in its anxiety to rush through the legislation in this very session has not devoted any attention to this matter. The original motion of Government was that the court shall deem interest to be excessive if, on loans advanced on the security of immoveable property or pledge of moveable property it exceeds 12 per cent. compound interest. That was the original proposal of Government. Now, we may take it that when the Government

made this proposal it certainly acted with some information in its possession and it certainly proceeded, rightly or wrongly, on certain definite data. I ask the Honourable Finance Member to take the House into his confidence and let us know what has led him to reduce 12 per cent. compound interest to 7 per cent. compound interest which he has done in the new amendment which he has sent to the Council. Have any new facts been brought to his notice? Has he instituted any new inquiry or is it simply because Chaudhri Chhotu Ram put forward in the select committee certain rates of simple interest and he has more or less tried to approximate to the same the basis of compound interest? If the Honourable Finance Member can say that he has done so as a result of the Provincial Banking Inquiry Committee report or the Central Banking Inquiry Report or the reports of the various commissions or the report of the Calvert Committee or as a result of inquiry from the registration offices from where the rates of interest on secured loans can be ascertained without any trouble or much expense, I would bow to the opinion of the Punjab Government, and I would accept it, bearing in mind that the Government is responsible for this legislation. But if no information is vouchsafed to me, am I not right in asking the Honourable Finance Member to let us know why in making the new proposal he has now adopted an attitude utterly different from the provisions of his own original Bill relating to Usurious Loans Act and even from the attitude which the official members took up in the select committee? Am I not entitled to ask him what enquiry or information has led him to abandon the Government's original proposals of 12 per cent. compound interest on secured loans and to reduce it to seven per cent.? And he did it only during the last week. (A voice: The committee recommended no compound interest at all.) May I remind the Honourable Finance Member that in this matter he was not without proper guidance? After all, the question of the rate of interest has been dealt with by committees before, in the first instance, by the Punjab Banking Inquiry Committee. It is a very recent report. Does he find any warrant, I respectfully ask, in the report of the Punjab Banking Inquiry Committee in support of his present proposal regarding rates of interest on secured loans, which, in my opinion, are uneconomic, unnatural and unreal? After that the Punjab Government appointed the Calvert Inquiry Committee of which I was a member and the duty which was imposed upon us was that we should study the reports of the Royal Commission on Agriculture, the report of the Indian Banking Inquiry Committee, the reports of the Labour Commission and other reports and suggest legislation for the relief of indebtedness. We put forward our proposals. On the question of rates that report was unanimous. That report was signed by all the zamindar members—Khan Bahadur Sardar Habib Ullah, Mr. Nurullah, Mr. Anderson, our Legal Remembrancer and Mr. Calvert, S. Sampuran Singh and others. (A voice: They are out of date.) The report was presented only last year. Your present proposals entirely go against the unanimous recommendations of the Calvert Committee. They fixed $8\frac{1}{2}$ per cent. simple interest as the rate beyond which the transaction must be treated as unconscionable and that these provisions should not have retrospective effect. Again I was reminded yesterday by the honourable member from Gujranwala (Chaudhri Riasat Ali), that after all we in this province are not the only ones that are dealing with this legislation.

[Mr. Mutand Lal Puri.]

There are other provinces too which are dealing with it, and when other provinces are dealing with this legislation why is this cry being raised here? It is being raised here because you would not follow the reasonable proposals of the other provinces, and for your reference I will quote chapter and verse to show that the proposals of the Punjab Government are outrageous, outrageous not only because of their unfairness, not only because they give more to the debtor but because they are so unreal. What did the United Provinces Committee do? The United Provinces select committee consisting as it did of zamindar members proposed certain rates. I am not at present taking other rates, but will confine myself for the sake of illustration to one rate, i.e., interest on secured loans. What was the report of the United Provinces Committee? The United Provinces Committee put up certain rates. They fixed a certain rate for loans up to Rs. 500 and another for Rs. 5,000. A person who borrowed Rs. 20,000 had to pay a certain other rate. Let us for the sake of comparison take the lower rates on secured loans which were recommended by the select committee of the United Provinces for higher loans and you will find that up to Rs. 20,000 they recommended 9 per cent. interest on secured loans. What was the comment of the Honourable Finance Member supported by all the members of the United Provinces Government on that suggestion? I shall presently place it before you.

They had proposed—I am confining myself to the rate of interest—
 5 P.M. on secured loans they had proposed 9 per cent. interest up to Rs. 20,000. Of course they had fixed 12 per cent. up to Rs. 500 and 10½ per cent. up to a loan of Rs. 3,000. But I am taking Rs. 20,000 as a very fair average. What is the comment of those gentlemen on this suggestion? I shall read from the minute of dissent signed by Mr. E. A. H. Blunt, D. L. Drake-Brockman, J. J. W. Allsop, A. A. Waugh and R. F. Mudie.

In the case of secured loans the security may be so poor as not greatly to reduce the risk. It may be a second or a third mortgage of land already heavily encumbered or it may take the form of goods for which there is no ready market.
 * * * * * We are not prepared at present to go further than to lay down rates that would be applicable to loans secured on a first mortgage.

Then, in paragraph 6 they say—

We do not consider that the rates proposed by the select committee are fair. During most of the period to which these rates will be applied with retrospective effect rates of interest were high and, if allowances be made for the fact that some loans were issued income-tax free, the Government itself borrowed at over 6½ per cent. It would be absurd to suppose that the general public were wiser and even more absurd to suppose that those who subscribed over one lakh were usurers while those who subscribed only Rs. 500 were not.

In our opinion no transaction can be held to be usurious unless the ordinary fair-minded man would consider it unfair and no rate which approximates to the rate for gilt-edged securities could possibly be considered unfair in any circumstances whatever.

* * * * *
 In view of the rates at which money is frequently borrowed in the open market we do not consider that the maximum rate can be put lower than 12 per cent.
 * * * * * These rates would only be applicable to loans secured on first mortgages.

This is what these five members of the select committee including the finance member and other official members of the United Provinces Council say on the subject. When I said that the Punjab Government had a definite

basis for its original recommendation I was referring to this and to the provisions of the Bengal Money-Lenders' Act. What I submit now is this. If the Punjab Government had originally come forward with its present proposal and it had been subjected to criticism and the Government in spite of that criticism had persisted in that opinion, I would have nothing further to say. But when the Government's original proposal was beyond what the United Provinces Government thought it would be absurd to go and what the Bengal Government had actually enacted in the Bengal Money-Lenders Act, and again after discussion in the select committee the Government did not move from its position, what has happened during these four or five days that it should come forward with such unnatural proposals? It must be remembered that we are not legislating only for the past debts. If we are legislating only for past debts it may reasonably be said, "We have to scale down the debts and this is one of the ways in which we propose to act." That position would have been intelligible. If Government had come forward with that proposal and confined this reduction of rates to periods of depression or confined these reduced rates to loans advanced during the time of boom one could appreciate that point of view, whether one agreed with it or not. But what the Punjab Government is now proposing is that for all future times to come it is illegal for anyone to borrow money at the rate of $7\frac{1}{2}$ per cent. compound interest on the security of property which may be second or even third mortgage. Is that legislation in consonance with the existing state of market in the province or with any rates which may have prevailed any time during the last twenty years. Why again has the Government selected seven per cent. as a standard rate? That shows utter lack of information on behalf of Government on the subject of rates of interest which prevail in this province. Has the Government heard of the prevalent rate of 7 per cent. in the Punjab? There is a prevailing rate of 6 per cent. which comes to eight annas a month or $7\frac{1}{2}$ per cent. which comes to ten annas a month or 9 per cent. which comes to 12 annas a month. How has the Punjab Government evolved 7 per cent.? What I submit to the Government is this: This is really a complicated measure. If it were only a matter of giving relief that would be different. (*Interruption.*) Government has sent in an amendment to substitute 7 per cent. compound interest instead of 6 per cent. simple interest which is the recommendation of the select committee.

The Honourable Mr. D. J. Boyd: I shall be delighted to explain it at the proper time.

Mr. Mukand Lal Puri: The Government has changed so soon from 12 per cent. compound interest to 7 per cent. compound interest and that too at such a short notice that it is not possible for the Government to appreciate the points of view different from those which have been communicated to it by private communications between the leader of the opposition and the Honourable Finance Member. I wrote letters to certain banks in Lahore enquiring the usual rate of interest they charged on the security of property. Usually the Banks obtain the security of immoveable property by the deposit of title deeds. I received replies from some and the others did not reply because they were under the impression that Government had moved an amendment which excluded them from the operation of the Act and therefore, they were not in a position to assist me in this matter.

[Mr. Mukand Lal Puri.]

But two banks have replied and their replies are here. I am sure everybody knows that the rates charged by banks are the lowest and that customers consider themselves fortunate if they can get loans from banks instead of having to go to money-lenders or sahukars, who usually charge higher rates. One of the biggest joint stock banks has written to me—

I beg to acknowledge with thanks the receipt of your letter, dated 23rd October, 1934. The Bank has been charging compound interest at the rate of 9 per cent. per annum, with half-yearly rests in the case of fixed loans and with monthly rests in the case of cash credit and overdraft accounts against the security of immoveable properties. In a good few cases, especially where the amount advanced is small and labour involved is proportionately large, the rate of interest has gone up to 10½ per cent. per annum with monthly or half-yearly rests, according to the nature of the account.

Another bank writes to me—

With reference to your enquiry of date I beg to inform you that our usual rate of interest is 9 per cent. per annum and we make very few exceptions in this matter.

(An honourable member : What are the names of those banks ?) The first letter is from the Punjab National Bank, Limited, and the second from the Punjab Co-operative Bank, Limited. (An honourable member : Are you a director of any of these banks ?) Yes, I am. The honourable member may rest assured that I will not divulge any information that I have in my possession, with respect to loans of individual members of this House and any attempt on the part of the honourable member to heckle me to blurt out that information will be unsuccessful. Now, this is the rate at which banks are issuing loans. The Government may as well ask the Registrars of its various registration offices to go through the mortgage deeds which have been registered in their offices in January 1930 or January 1931 or January 1929 and find out the usual rate of interest charged on the security of property in towns and on the security of property in villages. The Government can obtain the information in about a week's time. Government will be thus in a position to ascertain definitely the prevalent rate of interest and the Government can then fix a proper rate of interest, instead of groping in the dark. Why not follow the reports of the Banking Committees, Calvert Committee or even the Acts of other provinces? However, if you legislate on the lines of your amendment, without confining these proposals to past transactions, you would be enacting an unreal legislation; you will be making it practically impossible for the honest debtor to borrow and for the honest creditor to lend. A dishonest man will always be able to get Rs. 500 and sign the bond for Rs. 1,000 at 6 per cent. compound interest. I, therefore, submit that Government has not given sufficient thought to this matter. Government should not lay down a rule which takes no note of existing market rates and which it is practically impossible to adopt in the existing circumstances. I ask any member of this House to attempt to borrow in the bazar at 7 per cent. on the security of immoveable property, if they are ignorant of market rates. Again these are exceptional times and the rate of interest is fortunately very low. I would, therefore, ask the Honourable Finance Member to split his proposals into two parts. If he wants to give relief to certain loans borrowed in certain years, let him lay down the rate of interest with respect to the loans of those years. But he is not justified

in applying abnormal legislation really designed to meet abnormal conditions for all normal transactions. This is what the Punjab Government is doing. This is not what the United Provinces Government has done. The United Provinces Government has wisely split up this legislation into four Bills, one of which is definitely restricted to loans advanced in certain years, and the operation of the other is confined to two years. Therefore in asking Government most respectfully to circulate this Bill for eliciting public opinion I am only asking it not to deprive itself of the opportunities which it may get for forming more considered opinion on that point. If as a result of that enquiry Government still sticks to its opinion I shall be content, because from the very start and even in the select committee we have been suggesting that the responsibility for this measure is that of the Government. Our only hope lies in asking the Government to accept our point of view based on argument and reason. If the Government will not be convinced I will not be sorry. But I submit that I have brought to the notice of the Government the history of the matter and how Government has sprung a surprise upon the province which to me appears to be utterly inconsistent with the state of affairs in the province.

In this connection I also wish to draw the attention of the Government to the minute of dissent recorded by another English gentleman, a member of the select committee on the Usurious Loans (United Provinces Amendment) Bill, Mr. E. M. Souter. He says, remarking on the rate of interest fixed by the United Provinces Committee, to which I have already referred—

During this period the "Bank Rate" has very frequently been 8 per cent. and at one time went up to 9 per cent. On loans taken from the larger Banks on an easily convertible gilt-edged security the rate of interest charged is usually 1 per cent. over Bank rate and the rate of loans secured against immoveable property is considerably higher. The proposal of the select committee would permit the re-opening of all these transactions and this would be intolerable, and the passing of such a Bill would be considered by India in particular and the world in general to be an Act of complete irresponsibility.

This is the view of an Englishman who on the proposals of the United Provinces select committee, which fixed rates of interest on secured loans, far higher than that fixed by the Punjab select committee and that now proposed by the Government. Our only hope lies in the fact that the Government experts might tell the Government that there is another point of view which should not be neglected, that in attempting to give relief on the lines now proposed you are doing something which may practically sap the credit to its foundations. In its present form I do not consider this Bill a Government Bill at all. The Government at the last moment has chosen to father it; the ways of the Government are, however, inscrutable, it may be because it could not stand the pressure from inside the Government. It may be due to the fact that our Honourable Revenue Member has recently returned from England and the attack which was only previously from outside has also commenced to be made from inside the Government. (*The Honourable Captain Sirdar Sir Sikander Hyat-Khan*: Thank you for the compliment.) The Government ought to know the intention of the persons who are responsible for the amendments in the select committee which were not those of the Government and which were not even supported by the Government. Their avowed object, the object expressed by them, was this. "We want to start

[Mr. Mukand Lal Puri.]

with a clean slate." I am using the exact expression. It was conveyed to us in answer to a question asking for the reason for a particular provision in the Bill. The Government should understand that the cumulative effect, not of one provision, but of all these provisions, is to start with a clean slate, i.e., to wipe out the entire existing debt, at least the debt of agriculturists. If that is the policy of the Government, Government should adopt it and pursue it with open eyes but should not be led into it by oversight or by inadvertance. My own opinion is that if these provisions are rigorously enforced, they will lead to practically wiping out the entire agricultural debt. Again, what are the methods by which this clean slate process is attempted to be achieved by its protagonists? There is no doubt about them. They have been given in black and white to us by no less a body than the majority of the members of the select committee and I wish just to read out the methods which they propose to adopt. Before the Punjab Government is led into them, let them know the methods which are to be applied in achieving 'the clean slate' condition. I will read from the minute of dissent recorded by Chaudhri Chhotu Ram and other members of the majority party—

This is in fact the same idea in a different garb. Thus the amendments which we have urged are no more than a plea for a reversion to the practice of pre-British days or the abolition of the advantages which the *sahukar* has obtained owing to the introduction of a more "civilised" system of law than is good for a society not sufficiently advanced for the application of British notions of law, equity and contractual obligations.

They want to definitely revert to the less civilised system of administration than we have been used to under the British rule. They want to throw to the winds, the British notions of law, equity and contractual obligations. There should be no mistake on this point and the Government before gathering the provisions of this Bill, should calmly consider the necessary implications of the various provisions of the Bill. Let me illustrate. Look at the provisions regarding conciliation boards for instance. I respectfully invite the attention of the House to these provisions and I ask if these do not bear out what they have done in the committee. Turn to clause 17. Now the previous clause 16 had a provision that if all or 60 per cent. of the creditors or to be more exact, "the creditors to whom not less than sixty per cent. of the total amount of the debtor's debts are due" were agreed on accepting a method of settlement of the debts, the conciliation board shall give effect to it and that will be carried out in spite of the protest of the other 40 per cent. and those 40 per cent. will be postponed till after the debts of the 60 per cent. are realised. Now whatever might have been said against this provision, there was a certain basis of conciliation, i.e., consensus of opinion of a certain number of creditors, be it 60 per cent. or 40 per cent. That was the *sine qua non* of the functioning of the conciliation boards. Now what has been done to this provision by the select committee. Instead of the 60 per cent. the select committee has substituted, "if the debtor and all or any of the creditors come to an amicable settlement, the board shall forthwith reduce such settlement to writing in the form of an agreement setting forth the amounts payable to each creditor." That is, if Rs. 10,000 are due and a creditor be he a relation or a friend wishes to collude with the debtor, he may

come to an agreement with the debtor and there is no jurisdiction in the board to reject that claim. And then what are they to do? That is laid down in sub-clause (2) "An agreement thus made shall take effect as if it were a decree of a civil court having jurisdiction in the area." So that all that a debtor requires is that he has to find out one creditor with whom he can agree and then get a decree passed in his favour. There is no jurisdiction in the board to refuse this, howsoever unfair the board might consider the proposal to be. The board cannot dismiss the application. The board might think, here is this fellow colluding with the other side and here are these 99 creditors who are helpless. But the board has no jurisdiction to interfere. Now what are these 99 creditors to do? There is clause 24 which lays down, "When an application has been made to a board under section 8, no civil court shall entertain any new suit or other proceeding brought for the recovery of any debt for the settlement of which application has been made to the board and any suit or other proceeding pending before a civil court in respect of any such debt shall be suspended until the board has dismissed the application or an agreement has been made under section 17." Now, sir, the *sine qua non* of the other Bill was that there should be a consensus of opinion whether 60 or 40 per cent., to give a guarantee of fair-play. That has been entirely taken away and no power is left to the conciliation board to dismiss that application howsoever reasonable they might find the other creditors to be and it is left to one creditor to fix the terms of settlement. Now, what has the Government done? Government has tabled an amendment. I respectfully wish to invite the attention of the Government to this matter. It has tabled an amendment to the effect that the other debts will only be certified if 40 per cent. of the creditors have accepted the proposal. That would be no relief to any creditor because supposing the conciliation board is definitely of opinion that no fair offer has at all been made, and it is not a case for certification at all, even then, under the provisions of the Bill as it has emerged from the select committee, it is possible by collusion between one debtor and one creditor to compel everybody else to accept that settlement. Let the Government kindly ponder over it. Is this or is this not the effect? You will be pleased to observe, Sir, that when the entire property of a debtor has been taken by one creditor under an agreement made between a debtor and a colluding creditor, which must be recorded as a decree there is nothing else left with the debtor which the other 99 creditors can take howsoever just and righteous their case may be. I must say the Government—Mr. Boyd is not here—should stoutly oppose this suggestion as it was by a majority that this change was made, and in the teeth of opposition of official members. What has happened to induce the Government to accept a proposal with respect to conciliation board which is so ridiculous? The effect of the proposed amendment is that the decision does not depend upon any agreement between the creditors, not even upon the decision of the conciliation board, but it will be dictated by one creditor and a debtor and it is given the force of a decree even when the conciliation board thinks that the other creditors are perfectly right in their refusal to agree and their debts need not be certified: If this is conciliation, I respectfully ask what would be spoliation? Are you setting up spoliation boards or conciliation boards? Even the Government amendment does not meet the point at all. If the Government wishes to

[Mr. Mukand Lal Puri.]

achieve the object which it intended then it ought to substitute 60 or 40 per cent., or whatever proportion it wants in clause 17.

One part of this Bill which was more criticised than others was the provision with respect to conciliation boards. The Honourable Finance Member also gave a very halting support to that portion of the Bill. Our sad experience with respect to the assessment of haisiyat tax and with respect to panchayats does not justify us in assuming that 'super men' would be forthcoming in this province to settle these disputes, men whom we found to be non-existent on former occasion, but in spite of that difficulty which was pointed out by very responsible officers, the provisions as to the conciliation board have been so altered as to be made absolutely unworkable. Again, we have been told by various members that there has been legislation on indebtedness in other provinces. I have gone very carefully through all the legislations on this topic which have been enacted in other provinces or which are proposed to be enacted. I respectfully ask the Government instead of chalking out new lines let them accept and follow the Act which have been passed in other provinces and let the zamindar party also in addition enjoy the privileges which they enjoy under the Land Alienation Act and which are unique and without parallel. If any of these Acts conflicts with the Land Alienation Act, let the debtor classes continue to enjoy these privileges, although the Calvert Committee definitely recommended that some of these privileges should be cut down. I wish to make Chaudhri Chhotu Ram an offer, just to show the unreasonableness of his position. Let the Punjab Government adopt any Act which has been passed by any other province. I go further, let them have all the Acts which have been passed in the Central Provinces and Bengal and also those which are proposed to be passed in the United Provinces and I would not grudge them. But the proposals of the select committee and now supposed to be fathered by the Punjab Government are highly inequitable, and in some respects absurd. The proposals which have been now embodied in the Punjab Bill go much further than has ever been enacted in any other province or even contemplated by any other province. I have carefully read all these enactments and I measure my words when I say that even if you bodily adopted all the Acts and Bills of all other provinces on this subject you would not be going half as far as the select committee proposals. You would have something definite to follow and not the hasty and ill conceived suggestions of Chaudhri Chhotu Ram. These I submit are not the proposals of the Government but have been thrust upon the Government by certain persons. I shall wind up my speech by again imploring the Government not to shut out avenues of inquiry which are still open to it. After all we are only asking Government to circulate the Bill, we are not unaware that we can only postpone it for a few months, we do not hope that the constitution of this Council will change in these months, nor do we hope that the opinions of those members led as they are by Chaudhri Chhotu Ram are likely to be changed, nor are the creditor classes likely to gain anything by a delay of two months. All that we wish is that the Government which has changed its position so recently and so suddenly should not deny itself further opportunities for consideration because the legislation which is proposed is not a temporary piece of legislation but is intended to be a permanent feature

of the constitution and also because it is really of a complicated and far reaching character, on which no one should refuse an expression of opinion (*hear, hear*).

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural) : Sir, my speech will mostly be confined to an answer of the criticism that has been offered by one member or another and I will take all the points one by one. I make a beginning with the speech of my honourable friend Mr. Labh Singh. One of his complaints was that the very composition of the select committee made it impossible that the Bill should emerge from it in a reasonable form and he said that one party was hopelessly under represented and the other party was very much over-represented. So far as I have been able to gather from a study, very cursory study certainly, of constitutional practice I feel that the select committee must reflect the strength of parties in the House itself. If I am correct, then I can show conclusively by figures that the composition of the select committee was entirely reasonable. This House consists of 91 members. There were 13 members of the select committee, that means that every unit of 7 members was entitled to one member on the select committee. So far as I can recollect from memory the strength of the parties in this House is as follows : Unionist party 37, National Reformist 23, Sikhs 14 and Government benches 18. This means that the Unionist party ought to have had 5 members on the select committee for 35 members and the Reformists ought to have 3 for 21 and Sikhs 2 for 14. Thus the only party which was slightly over-represented was the party represented by Government benches and that party so far as the proceedings of the select committee were concerned was more frequently in harmony with the urban members of the select committee than with the rural members of the committee.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I certainly like to ask your ruling on this point. The honourable members have been referring to actually what has been going on in the select committee and I think you will give a ruling as to whether the proceedings of the select committee ought not to be divulged.

Mr. President : After the report of a select committee has been presented to the House, the proceedings of the committee can be referred to in debate.

Rao Bahadur Chaudhri Chhotu Ram : Thus it appears that the complaint made by Mr. Labh Singh is really groundless. As a matter of fact 5 or 6 of the members belonging to Mr. Labh Singh's party represent debtor classes and, if anything, money-lenders' interests were over-represented on the select committee rather than under-represented. Another complaint made by Mr. Labh Singh was that the members of the select committee representing rural interest had indulged in holding out threats that unless this legislation was passed according to their wishes certain very ugly things would happen. I repudiate that charge entirely and completely. The passage that has been quoted from the minute of the majority party does not hold out any threat. It merely makes a reference to ugly events that may in certain circumstances be expected to happen, and I think they would have been failing in their duty if they really believed that there was a reasonable possibility of any ugly incidents happening and had

✓[R. B. Ch. Chhotu Ram.]

not given expression to that belief. The members of the rural party do not say anything more than was said by Sir John Maynard himself, a gentleman who certainly cannot be accused of being in any way hostile to the urban population. He was the very soul of justice and fairmindedness according to us all. I will just quote one sentence of what he wrote in the London Foreign Affairs, December 1927 issue. He says :—

The exaction of usurers were limited by the dangers of popular justice.

What we have said is no more than a variation of the same idea in slightly different words. Now the situation according to our belief is really desperate and as would be indicated by the number of questions that have been put in this House there have been many cases of violence committed by debtors against their creditors long long before this legislation was contemplated. As the economic position has become very distinctly worse than it was even two years ago, it is obvious that if attempts are made to execute decrees in a manner which is harsh or which seeks to eject debtors from their houses, from their hearths and homes, from their lands there is a reasonable apprehension that violence may break out. Having that belief, that reasonable apprehension of such incidents, it would have been wrong on the part of the representatives of rural classes, if they had failed to express that belief. Another complaint that has been made by Mr. Labh Singh is that the Bill as it emerged from the select committee is in a very crude form. Well, after all, there are so many members present and judging from what we have been able to do during the last three days, it appears that this Bill will take at least ten or twelve days, and Mr. Labh Singh and his colleagues would have sufficient time to lick the Bill into a proper shape. Another complaint that was made was that the select committee's report is one of the funniest reports that Mr. Labh Singh had come across so far. I may refer my honourable friend to 5 reports made by a select committee of the United Provinces Council. Of these 5 reports all have been signed by as many as 23 members and each of these 23 members has signed it subject to a minute of dissent. So this document is not half so funny as the documents that have been produced by the legislature of a neighbouring province. I will not deal with the criticism that has been offered by Mr. Labh Singh in respect of the specific provisions of the Bill for that would be anticipating the discussion on those provisions when they come up for consideration on the floor of the House.

I will now take up the points that have been made by Mr. Mukand Lal Puri. So far as his criticism of specific provisions is concerned, I will not undertake to answer him, but those of the criticisms which are of a general character will be dealt with by me here and now. My honourable friend says that the attitude of the rural members on the select committee was so obstinate that no amendments howsoever reasonable were listened to by them. Without indulging in any lengthy defence I will just draw the attention of the House,—my honourable friend, Mr. Puri, happens to be absent at present—to clauses 10, 13, 14, 17, 18 and 25. There are very substantial additions under these clauses and those additions were made at the specific instance of the urban members of the committee. Therefore the complaint that rural members refused to listen to reason is entirely

groundless. Another very serious charge was made by Mr. Puri to the effect that rural members acted in a highhanded manner—in a way dictated their terms at the point of the bayonet, that this Bill was nothing but a draft to which Government had been forced at the point of the bayonet to agree. Fortunately we had no bayonets there, and I must say that Government is sufficiently strong to resist any fear that may arise from bayonets. But there is one type of fear which Government is very seldom able to resist and that fear is that of the *bania*, that of the *bania* press, that of the *bania* agitation. In fact Government has always shown a greater tendency to fear *banias* and their noise than listen to reason or fear any bayonets from any quarter whatsoever whether they come from across the Indus or from any European country, or from China or Japan. I think Government is sufficiently strong to withstand any pressure that any section of this House may seek to bring to bear upon it. And, therefore, the charge that this Bill has really been dictated by rural members at the point of the bayonet is not only baseless and futile, but positively mischievous. There was another misstatement for which Mr. Puri made himself responsible and that misstatement was that the Bill as it stood originally, as it was introduced in the Council, did not at all contemplate any amendment of the Civil Procedure Code. He is entirely wrong. The Bill as it was originally introduced in the Council, contained two clauses which sought to amend certain provisions of the Civil Procedure Code relating to the arrest of a judgment-debtor. Therefore it cannot be stated that in seeking to amend the Code of Civil Procedure in certain other respects we have gone either beyond the scope of the Bill or beyond the principle that underlay the Bill. Again a grievance was sought to be made out of the fact or fiction that the Bill as it stands at present, affects townsmen also, that it affects transactions between commission agent and commission agent, between one trader and another trader. If my honourable friend had gone carefully through the provisions of this Bill—he claims to have gone through them more carefully than anybody else in the House, but I fear he has not done so—he would have found that the definition of the word “debtor” excluded any transaction between a trader and a trader, a shopkeeper and a shopkeeper. Further on, under clause 7 (1) it has been definitely stated that the word debt will not include any loans made for purpose of trade. Therefore the complaint that was put forward by Mr. Puri on this score was entirely wrong. He also made a reference to the rates of interest. But this matter I do not wish to touch here because these rates will come under discussion when the relevant clauses are reached. There was one aspect of this question, however, in relation to which Mr. Puri made himself responsible for an inaccurate statement. He thought that the proposals of the United Provinces Government contained rates of interest in certain schedules which still stood. He is entirely wrong. The fresh proposals that have been made by that Government—I am sure I am right—have dropped those schedules. Those schedules are no more part of the proposals which were submitted by the Government of the United Provinces to the Council.

Mr. Puri also instituted a comparison between the rates of interest allowed under the proposals in the United Provinces, under the proposals of Bengal, Central Provinces and so on. I must make it absolutely clear that the economic conditions, social conditions and other conditions which

[R. B. Ch. Chhotu Ram.]

prevail in the Punjab are materially different from the conditions which prevail in the United Provinces or in the Central Provinces or in Bengal. Here you have to deal with a sturdy independent peasantry which is self-respecting, which is owner of its own lands and which certainly occupies a position in society which the ordinary cultivators of either the United Provinces or the Central Provinces or Bihar or Bengal do not occupy. Then there is another very important factor which distinguishes the Punjab population from the population of other provinces and that factor is that the Punjab earns a good deal from service in the Army which is not open to the population of other provinces. And that raises the economic and social position of the Punjab peasant and places him in a much stronger position, economically speaking, than men of the same type in other provinces. He enjoys a much higher credit than a man of corresponding position in other provinces does. Then there is a third factor which is so liable to be ignored by many people, that is, the Land Alienation Act. As a matter of fact, an entirely perverse view is taken of the effect which the Land Alienation Act has had on credit. The representatives of the money-lending interests have always decried the Land Alienation Act on the ground that it has sought to interfere with the credit of the land-owners. It may have been designed to produce that effect. But the effect that has actually been produced is different from that which was intended. It has not restricted the credit of the peasant proprietor or any land-owner. The reason is obvious. Every money-lender in the Punjab knows that so far as agricultural land is concerned, it cannot be snatched away from a land-owner and therefore he is permanently in possession of a source of livelihood which may be destroyed under similar circumstances in other provinces. This assurance, the assurance that an ordinary land-owner in the Punjab will continue to be owner of his land and will continue to have a source of income which is so unreliable in other provinces, really places the land-owner here in a much stronger position than he is in other provinces. Therefore to institute comparisons in respect of the rates of interest between Bengal or the United Provinces on the one hand and the Punjab on the other is both fallacious and misleading. The rate of interest in the Punjab has always been distinctly lower than the rates which prevail across the Jumna in the United Provinces. Therefore any rates that may have been adopted by the United Provinces Government are no guide, should be no guide, to the rates which ought to be adopted in the Punjab. Mr. Puri also made a reference to the rates of interest which are charged by banks of very good standing in Lahore on secured loans and he said that no member of this House can obtain a loan on the security of very good immovable property at less than 9 per cent. Well, if these are the rates charged by respectable banks, banks of very good standing in Lahore, I can only say that they are very, very usurious indeed and ought to be lowered. If men in the position of members of this House on the security of immovable property are unable to raise loans except at a minimum rate of 9 per cent. I should certainly consider that rate very usurious, unconscionable, and it ought to be brought down. In private life individuals not perhaps half so rich or not half so respectable and not possessing half the property which many members of this House possess can secure loans at 6 per cent. without offering any security. If this is the condition, if this is the state of things in private life in other parts of the Punjab I think

✓ Lahore banks ought to be brought round to a more reasonable frame of mind.

The honourable member, Mr. Puri, also made a reference to a remark which he thought had been made by some of us to the effect that what we wish to achieve by this legislation is to start with a clean slate. I think he is under a misapprehension. I remember having used that expression but that expression was not used by me as from myself, but I quoted a few sentences from a resolution of the Bar Association of Rohtak, a unanimous resolution of a bar association of which the president is a *bania*, and the secretary is also a *bania*. It was from that resolution that I quoted just a couple of sentences. It is there that the expression occurs. At least I do not remember having used that expression myself nor do I remember any member of my own party having used this expression.

There was some criticism of the methods which Mr. Mukand Lal thinks we have advocated in order to secure that state in which
6 P. M. we can make a beginning with a clean slate. He quoted a sentence from our report which I will read over again.

In pre-British days the arrest of a judgment-debtor and the sale of his land, or house or bullocks were practically unknown.

(A voice: Who told you?) I know it myself. I have heard it from those who are better informed than you are or you can possibly be—

Moreover, the need of the good-will and sympathy of his clientele to the *sahukar* in troubled times acted as a very strong and effective sanction against rapacity or undue harshness on his part. Writing in the December (1927) issue of "London Foreign Affairs," Sir John Maynard observes that 'the exactions of the usurer were limited by the dangers of popular justice.' This is, in fact the same idea in a different garb. Thus the amendments which we have urged are no more than a plea for a reversion to the practice of pre-British days or the abolition of the advantages which the *sahukar* has obtained owing to the introduction of a more 'civilised' system of law than is good for a society not sufficiently advanced for the application of British notions of law, equity and contractual obligations.

So far as my information goes—and I think it may be regarded as fairly accurate—it is this that there was no system in pre-British days to have anybody's land or houses or bullocks sold (A voice: Question) and even in actual practice no money-lender sought to deprive any of his debtors of his house or of his land or of his liberty. It is true that cattle were some times sold by the debtor to the *sahukar* himself or somebody else and the money paid to him. But in pre-British days this inequitable system of depriving debtors of the means of their livelihood in execution of their decrees was not recognised either in law or in practice, and we simply want that those old relations between the debtors and the *sahukars* may be restored in which the debtor will make every possible attempt to pay and the money-lender will not be heartless and devoid of all feeling as the introduction of the present 'civilised' system has tended to make him. (Mr. Labh Singh: You are drawing upon your imagination).

At this stage the Council adjourned till 2 P. M. on Thursday the 1st November 1934.

828

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PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Thursday, 1st November 1934.

The Council met at the Council Chamber at 2 P. M. of the clock. Mr. President in the chair.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

Mr. President : The Council will now resume discussion on the motion of Diwan Bahadur Raja Narendra Nath for the circulation of the Punjab Relief of Indebtedness Bill as reported by the select committee for eliciting public opinion.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadian, Rural) : Sir, one of the defects which was pointed out by Mr. Mukand Lal Puri was that under the Bill as it stands, if a bogus creditor comes to a collusive settlement with the debtor it may have the effect of depriving all the other creditors of any chance of getting their decrees executed against the debtor. He stated that if a bogus creditor to whom say about Rs. 500 are owed by the debtor comes to an agreement with the debtor that this money will be paid by instalments of Rs. 50 a year, spread over a period of ten years or by the alienation of the whole of his property, the remaining creditors are entirely deprived of any chances of getting anything from the debtor. No doubt that may be a defect in the Bill. But that is also a defect of the law as it stands to-day. Suppose a bogus creditor files a claim against a debtor and the debtor confesses judgment. The courts have absolutely no discretion to refuse to make a decree in favour of the plaintiff.

Mr. Mukand Lal Puri : But the other creditors can also obtain decrees. They are not estopped under the present law.

Rao Bahadur Chaudhri Chhotu Ram : If I am to be interrupted at every sentence, I fear I may not be able to finish my speech as soon as I would wish to. I was saying that so far as the law of compromise is concerned, it is exactly the same now as it will be under this Bill. The courts have absolutely no discretion to refuse to pass a decree if judgment is confessed by the defendant. I will quote a very funny instance of this law. I do not remember the exact details but there was a case in which an illegitimate person desired to have the land of his father mutated in his favour. That case somehow went up to the Financial Commissioner who held on facts that the claimant was born three years after the death of his supposed father, therefore he was an illegitimate child and the land belonging to the father could not be mutated in his favour. He went to the civil court and filed a civil suit. The other party came to some sort of a settlement with him out of court and confessed judgment. The court passed a decree upholding the status of legitimacy claimed by the person.

[R. B. Chaudhri Chhotu Ram.]

who was born three years after the death of his father. This is an instance of the law as it stands to-day. This Bill does not do anything approaching that. In certain cases this Bill gives a fair amount of discretion to the board to refuse to accept any arrangement if the board believes that it is intended to defraud other creditors. I will just draw the attention of the House to clause 17. The proviso reads—

Provided that if the Board is unanimously of the opinion that the period fixed for payment is excessive, the Board may refuse to authenticate the agreement.

Here in spite of the agreement having been reached between the debtor and the creditor the board has discretion to refuse to authenticate that agreement, while the general law as it stands gives no discretion to the court if a defendant comes into court and confesses judgment, however anomalous the results of that confession of judgment on the part of the defendant may be.

Mr. Puri indulged in a very severe tirade against the official members in connection with the change in the rate of interest from 12 per cent. in the original Bill to 8 per cent. in the amendments which have been tabled by Government. He asked, "What had happened in between to induce the official members to change their angle of vision so violently within such a short time?" I am not in the confidence of official members but some facts may have come to their notice which induced them to make this change. I will draw the attention of this House to two or three instances which may very well have the effect of inducing the members of any Government to make the changes sought to be made by the Government by means of their amendments. One instance was quoted by Mr. Nanak Chand Pandit in which, as he stated, a Jat creditor had been able to secure a decree of nearly Rs. 7,000 for an original amount of Rs. 23, or Rs. 223, it does not matter which. I may give another instance of an unfortunate zamindar who struck a balance of Rs. 500 in respect of his debts in the *bahi* of a creditor in the Attock district in 1882. In lieu of this balance that zamindar mortgaged nearly 3,000 kanals of his land with the creditor with the stipulation that the profits from land would be regarded as equal to interest on Rs. 200 and the remaining Rs. 300 would carry interest at the rate of 25 per cent. per annum. Neither this unfortunate zamindar nor his successor in interest was able to redeem this land, until two or three years ago when a suit for redemption was filed in court. The mortgagee insisted that he must have his pound of flesh under the bond and that pound of flesh gave him no less than 2 lakhs of rupees in interest alone. The subordinate court gave a decree that the successor in interest of the zamindar who had mortgaged his land in 1882 would be entitled to redeem the land mortgaged only on payment of Rs. 2,10,000 and no less. The man thought that the decree was given, perhaps, under some misapprehension of law by the subordinate court and went up to the High Court in appeal. The High Court decided the case only two or three days ago. The decision was to the effect that the plaintiff could not redeem his land unless he was prepared to pay Rs. 2,10,000. That is how the law stands at present. Nobody can say that the law has been interpreted wrongly. After all the High Court is the highest authority on the interpretation of law. The law as it stands has

enabled a creditor to exact as much as Rs. 2,10,000 for a sum of Rs. 300 which was in its turn a remnant of an old debt. When such intolerable things happen under the law, I think any sane Government would try to see that the rates of interest are so regulated that they will not produce such heartless results. I do not know whether the official members had any instance of this character in view when they tabled their amendments. But their amendments would seem to be perfectly justified by the instances which I have quoted to the House.

Mr. Mukand Lal Puri also took very dire offence at my attempt to get section 60 of the Civil Procedure Code amended suitably. One of my amendments relates to this section. By this amendment I have tried to define the word "occupation" in a manner which I think would result in safeguarding the interests of the judgment debtor effectively. Whether it will have that effect or not remains to be seen, but my object is clear. The reason why I have been induced to insist upon that amendment may also interest the House. There have been cases in which it has been held that a widow because she cannot cultivate or till her land with her own hands, is not to be regarded as an agriculturist under section 60. On the same analogy a minor or an infant who is unable to till his land with his own hands will not be regarded as an agriculturist under section 60. I am not drawing simply upon my own imagination for such a happening. To illustrate that the interpretation of the present section 60 produces such queer results, I will draw the attention of the House to a ruling of the High Court of 1926 or 1927. In this ruling it was laid down that a man belonging to an agricultural tribe who had no other source of livelihood than agriculture would not be regarded as an agriculturist for purposes of section 60 of the Civil Procedure Code if he did not till his land with his own hands. In this particular case the reason why he was not able to till his own land was that he was a cripple. That is admitted in the judgment. In spite of the fact that the judgment-debtor was a cripple and had no other source of livelihood than agriculture, the law as it stands compelled the judge to hold that the judgment debtor could not be given the benefit of section 60. I quoted this ruling in the select committee and one of the urban members of the select committee exclaimed, "a judge of that type should be dismissed." Of course he did not know who the judge was. But that was an exclamation which came from him involuntarily, almost instinctively.

Mr. Mukand Lal Puri : What is the number and page of that ruling ?

Rao Bahadur Chaudhri Chhotu Ram : I am afraid I cannot give the number and page just at present. I left my papers at my place and if the honourable member so desires I can supply him this information later.

Mr. Mukand Lal Puri : I asked for the reference in the select committee and was not given any information although I did not express that hasty opinion.

Rao Bahadur Chaudhri Chhotu Ram : I had this ruling with me when this point came up before the select committee. It was never challenged by anybody then. I may be able to get hold of it to-morrow.

Then there are other instances. If an agriculturist has two houses then the courts generally say that two houses are not necessary for him and, therefore, one of the houses may be sold. If a judgment-debtor owns

[R. B. Chaudhri Chhotu Ram.]

only one house, then the court says, the house is too big for his needs and, therefore, half the house may be auctioned.

Mr. Mukand Lal Puri : Have you got an instance of that type?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Many, not one.

Mr. Mukand Lal Puri : Quote chapter and verse.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** It is difficult to get hold of copies at a minute's notice. If my honourable friends care to go to Rohtak I can give them any number of copies of such orders. Now I happen to be armed with the details of at least one case where I shall be able to satisfy the curiosity of my friends representing moneylending interests. Everybody knows that whatever the number of houses owned by an agriculturist, if they are occupied by him as an agriculturist, they are immune from attachment under section 60. His bullocks are also immune from attachment under the same section. His land is not immune from attachment, but it cannot be sold. Here I have got in my hand a notice in original in which a learned sub-judge of my own district has seen fit to issue an injunction restraining the defendant from alienating the property specified here :—

” دو منزلہ مکان - اراضی زرعی - در اس بیل ”

Mr. Mukand Lal Puri : What does it mean?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I think if my honourable friends just wait, I will tell them what this notice means. The meaning is clear. There is no doubt in the mind of anybody about the meaning. It is that pending the result of the case against him, the judgment-debtor should not be in a position to alienate his houses; he should not be in a position to alienate his agricultural land; he should not be in a position to sell his bullocks. So far as agricultural land is concerned, I admit that if a court issues a notice of that character, it is justified. But so far as houses are concerned, so far as bullocks are concerned, courts should certainly not issue any injunction because these things are exempt from attachment under section 60. If subordinate courts take this view of the law will it be anything wrong if the representatives of the debtor classes desire to see that law amended.

Mr. Mukand Lal Puri : It is a perfectly correct order which any sub-judge can pass and should pass.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Yes, under the law as it stands, and we want to see that that law is changed.

Mr. Labh Singh : What happened in that case eventually?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I do not know. Here is an indication of the temper of subordinate judges at present. That temper must be curbed in some way or other. If nothing else will succeed let the law be changed in such a manner that these gentlemen will not have the kind of discretion which they think they have now and which they have so glaringly abused. (*Interruption.*) Nothing can satisfy my friends.

Mr. Mukand Lal Puri : What has the learned sub-judge done?

Mr. President : The honourable member has no right to make a second speech and he should not make these interruptions.

Mr. Mukand Lal Puri : I am merely asking him a question. The honourable member is criticising the conduct of a sub-judge who is posted in his district of Rohtak. What has the sub-judge done more than asking a party to a suit not to alienate his property for a short time pending the disposal of the suit? Has the sub-judge done anything more than this?

Mr. President : Does the honourable member contend that he has done anything more? If so, this is his second speech, which I cannot allow.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Any way I have given an answer which ought to satisfy a normally minded person. I am sorry to find that the occupants of those benches seem to suffer from some sort of abnormality which prevents them from seeing the view point of the other party.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : May I draw the attention of the honourable member, through you, Sir, to Article 59, sub-clause (2) (ii), which says :

The matter of every speech shall be strictly relevant to the matter before the Council.

(2) A member while speaking shall not—

(ii) reflect upon the conduct of any court of justice in the exercise of its judicial functions.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I am very sorry.

Mr. President : The honourable member should withdraw all that he has said.

Mr. Mukand Lal Puri : And more especially with respect to the judge in whose jurisdiction he is himself practising.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** That makes no difference at all. However, I am sorry for having infringed the rule quoted whether the infringement is in respect of a judge of my own district or in respect of any other judge. I am very sorry that I seem to have offended against the rules, I withdraw my observations with the greatest pleasure and with apologies to Mr. Puri and to the judge who issued this notice.

Mr. Mukand Lal Puri : I am much obliged for your attitude.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I was coming to the other points of criticism offered during the course of the debate. Now one of the points of criticism related to the agreement of our party to the deletion of clauses 86, 87 and 88. I will explain the reasons which induced me to agree on behalf of my party to a deletion of these clauses. I understood from the Member-in-Charge that the terms in which sanction of the Government of India had been received were such that it was advisable for us not to insist upon an incorporation of these clauses in the Bill at present. In fact any such insistence would have meant re-circulation or in other words indefinite postponement, if not death, of the Bill. Secondly, the consideration of the new clause on which the High Court had had no opportunity of expressing its views, would appear like an act of discourtesy to the High Court. Well, Sir, we had no desire to give any legitimate cause of offence either to the High Court or to place the Member-in-Charge in a position which would seem to militate against the terms in which the sanction of the Government of India was couched. Along with these things there was a further

✓[R. B. Chaudhri Chhotu Ram.]

consideration which induced me to come to this arrangement. A *quid pro quo* was offered to us in so far as Government agreed to provide us all the necessary facilities for a private Bill incorporating these clauses and any other clauses which we may think necessary. Of course the Government was careful to make its position clear by saying that the promise of provision of facilities did not mean that Government would support the clauses which may be incorporated in the new Bill. Those clauses would naturally be discussed on their own merits when they came before the Council. These were the considerations which induced me to agree to a deletion of the last three clauses.

There seems to have been also a good deal of misapprehension with regard to the exact scope and character of the Bill. It has been hinted that it is a Bill which may have a communal back-ground. I am glad to say that that particular accusation has not so far been brought forward by the members of the National Reform Party. One or two members of my own party thought that an attack of that kind might come from the benches opposite and in their impatience to meet that attack and to anticipate that charge they made a reference to it. But I am glad to note that no such accusation has proceeded from the other side. We may therefore, assume, that there is nothing communal about it. However, one unpleasant notion which seems to have been troubling the occupants of the benches opposite is that this measure has been conceived in the interests of zamindars as against non-zamindars. There I differ from my friends. This measure has not been conceived in the interests of zamindars as such or against the interests of non-zamindars as such. If a zamindar happens to be indebted he gets the benefit of this Bill all right, but not as a zamindar, he does so because he is a debtor. Therefore, it is a measure which has been conceived in the interests of a debtor as distinguished from a zamindar. Mr. Labh Singh trotted out another grievance that this measure was a caste measure. We tried to anticipate this objection also. While we were sitting in the select committee we tried our best to make the Bill one of general application so that all distinction of zamindar and non-zamindar, Hindu and Muslim, urban and rural, may be eliminated, and every debtor whatever his residence, whatever his religion, and whatever his caste, may have the benefit of the Bill within the limits prescribed therein. But our proposal was fought tooth and nail by the representatives of urban interests in the select committee. So, if it remains a caste measure—which I am far from admitting—it is not our fault. It is the fault of those who represented moneylending interests on the select committee. However, I admit that it is a class measure in that it affords some relief to those who are indebted against moneylenders. But it would be impossible to pass a legislation with the object of benefitting the hard pressed debtor classes and yet to take it out of the category of class legislation. Class legislation sometimes becomes necessary. The present Bill is an offspring of sheer necessity, necessity for the protection of those who are heavily indebted. But it is not a caste measure at all. My friends' complaint was that it was a caste measure, not a class measure which he could tolerate. But it is not a caste measure as I will show presently. It is not a caste measure because in the first instance moneylenders are not drawn from a single caste. There are

money-lenders who are Muslims, there are money-lenders who are Hindus, there are money-lenders who are Sikhs, there are money-lenders who are Pathans, there are money-lenders who are Khojas, there are money-lenders who are *beoparies*, there are money-lenders who are jats, there are money-lenders who are gujjars, and there are money-lenders who are Gaur Brahmins.

Mr. Mukand Lal Puri : What is the number of Muslim and Hindu money-lenders ?

Rao Bahadur Chaudhri Chhotu Ram : But the law in principle seeks to protect those who are indebted against money-lenders' rapacity, irrespective of the caste of the debtor or the creditor. Therefore, it cannot be said that this measure is a caste measure. It is certainly a class measure as I have freely admitted. He also made a reference to the amendments which have been tabled by us and from those amendments it seems he has assumed that it is going to be a caste measure. But the Bill, as it stands, is not a caste measure. Whether it will be a caste measure after these amendments have been carried, if they are carried, at all, that is a different thing. What we are at present concerned with is to decide whether this Bill as it has emerged from the select committee, should or should not be taken into consideration. We cannot take at this stage, cognizance of any amendments that have been notified. They may or may not be moved, and if moved, they may or may not be passed by this House. There are amendments which have been notified by the members representing money-lenders' interests or urban interests in this House. If these amendments are carried it would cease to be a caste measure or a class measure or even a measure of the slightest relief to anybody. Therefore, we can take cognizance of the Bill only as it stands and not of the Bill as it may be after it has been passed. We do not know whether it is going to be passed at all.

Mr. Labh Singh : Any understanding ?

Rao Bahadur Chaudhri Chhotu Ram : There has been no understanding. My friend is over-suspicious and he thinks there must be some sort of understanding about everything. There has been no understanding of any sort or kind.

I was making a reference to amendments. We have sent in notices of amendments requiring that if the definition of the word "debtor" is not improved so as to make the Bill one of general application then in order to remove ambiguity, vagueness and indefiniteness which give courts a discretion which has proved disastrous to debtor classes, certain specific classes may be mentioned in the body of the Bill so that in respect of those classes at least there may be no room for vagueness or doubt or indefiniteness. But these amendments will come in only if the amendment for making the law of general and universal application fails. The only object which we had in view in giving notice of these amendments was that if we fail in our first attempt, we may have specified a certain number of classes with respect to which the courts may not have any discretion at all which is so liable to be misused. Those classes consist of statutory agricultural tribes about which there can be no doubt and depressed classes which I think have already been specified by Government or will be specified very shortly. Apart from this we have one general provision in the Bill, that, is, anybody who earns his livelihood mainly by agriculture will be a beneficiary under

[R. B. Chaudhri Chhotu Ram.]

this measure. Therefore, the mere fact that we shall try to specify certain tribes in respect of whom the element of doubt of indefiniteness may be removed does not make the Bill a caste measure at all.

Now I may come to the question whether it is desirable, whether it is necessary, that this Bill should be re-circulated for the purpose of eliciting public opinion. An argument was built upon a suggestion of the select committee that the Bill should be republished. So far as that recommendation of the select committee is concerned it has already been carried out.

Diwan Bahadur Raja Narendra Nath: I want you to go a step further.

✓ **Rao Bahadur Chaudhri Chhotu Ram:** Diwan Bahadur Raja Narendra Nath wanted to go a step further and based his recommendation for that further step on the recommendation of the select committee, that the select committee had thought it necessary that the Bill be republished in order to give the public an opportunity of expressing their opinion on the Bill as it had emerged from the select committee. My answer to that criticism is that if those three clauses had not been in the Bill as it emerged from the select committee, the select committee would certainly have refrained from making any recommendation for republishing the Bill, because any republication would have been considered entirely unnecessary at all.

Diwan Bahadur Raja Narendra Nath: What about clauses 35 and 36?

✓ **Rao Bahadur Chaudhri Chhotu Ram:** I have already stated that in view of the deletion of the three clauses which were entirely new, recirculation becomes unnecessary. Then, again, let us not forget what would be the result of recirculation. Do we really wish that there should be another period of bitter controversy in the Press? Does it really help anybody, either the creditor or the debtor, that this bitter controversy should be going on in the Press and on the platform once again? I am glad that so far as the creditors and debtors are concerned they do not really care for this bitterness. They would try to avoid it if it could be avoided. But those who know nothing about the conditions which prevail in the countryside, those who know very little about the wishes of the exact people who deal in money-lending, are pressing for a recirculation so that there may be another period of bitter controversy. This motion if carried may satisfy the desire or itching of a certain type of people for making speeches or writing in the Press for which I myself have a great weakness, but it will not really do any good to anybody whatsoever. If an interval is allowed, even an interval of two months or six weeks, then, as one of the honourable members representing rural interests pointed out, courts would be simply flooded with new suits. Will it do any good to encourage an abnormal increase in litigation at a time when both the creditor and the debtor are feeling the pinch of economic depression? (*An honourable member:* What about the lawyers?) Let them die out. Then, relief in order to be of any value ought to be immediate, ought to be as quick as possible. We have been waiting, waiting and waiting until the creditor and the debtor are both disgusted with the delay that has already occurred. The creditors feel that there should be some decision, it does not matter what it is, whether to their interest or to their detriment, but it is much better that they should know what is going to happen than the

suspense in which they have been placed owing to the dilatory tactics employed by some among ourselves. Any further delay would make the debtor in particular feel very impatient. He has been hoping that Government would intervene and there might be some mitigation of his economic troubles. If the Government were again to agree to a motion for circulation, he would get discouraged, disappointed and such slight faith as he still has in the goodwill of the Government would be weakened further if it does not disappear entirely. That result again is one which should be deprecated by all of us.

I have not been able to understand the reasonableness of the opposition. Such capable men, men with a vision, men with a very clear understanding, men with talents of a high order, have been opposing the Bill in a manner which does not reflect any credit on their mentality. I personally feel that it is nothing short of prostitution of talent to offer such opposition to a Bill of this character. After all, what are the issues involved? Whom are they fighting for and whom are they trying to injure by their fight and bitter opposition? If this Bill harms anybody it will harm only the money-lenders. The money-lenders are only 40,000 in number, of whom, according to the admission of urban members themselves, as many as 19,000 are zamindars and agriculturists. Thus so far as their own class is concerned only 21,000 individuals are affected. Is it worthwhile, is it appropriate, that in the interests of 21,000 men or even in the interests of 40,000 individuals there should be this determined opposition to this Bill? Have they ever cared to estimate the effect which their opposition would have on the feelings of those 90 per cent. of the population who are groaning under this burden of debt? Let them not forget that they are not the only people who are Hindus. They are not the only people who have a fellow feeling for the creditor classes. But even those who are in sympathy with money-lenders favour an early measure of relief. I was able to quote certain opinions which went to show that even those who were themselves creditors or had the interests of creditors at heart had supported this Bill. But suppose there had been no support of that character, is it wise, is it sane, is it politic on the part of these few urban members to oppose a Bill which has been conceived in the interest of roughly 90 per cent. of the population? At the present day I do not think less than 90 per cent. of the population is in debt. The percentage may be a little higher, it is certainly not lower than that. Ninety per cent. of the population—what does that mean? The population of the Punjab is 235 lakhs. Ninety per cent. of this would be 212 lakhs. Is it fair, is it consistent with the dictates of humanity that in the interests of 40,000 individuals there should be this incessant fight, this determined opposition in preference to the interests of 212 lakhs of people? Let us not forget that our duty is first to the weak and not to the strong. Our duty is first to the poor and not to the rich. What are these gentlemen doing? They have been trying to promote and safeguard the interests of those who are strong enough to safeguard their own interests. They have been trying to help those who do not stand in need of their help and they have been trying to frustrate the object of a legislation which is meant for the benefit of 90 per cent. of the population which has been groaning under a crushing burden of debt, which cannot get two square meals a day. How they have been able to persuade themselves to oppose the motion for consideration I have simply failed to under-

✓ [R. B. Chaudhri Chhotu Ram.]

stand. It has been admitted on all hands that the burden of land revenue is too heavy to be borne by the agriculturist under present conditions. This is a point which has been conceded by all the members who have spoken from the benches opposite. Some of them, either here or in the press or on the platform, have advocated that the burden of land revenue should be decreased by at least fifty per cent. Just compare the burden of land revenue and the burden of the interest that accrues annually. The burden of land revenue annually is about Rs. 3 crores. On the average of the last four years I have calculated that it is a little less than Rs. 3 crores, in land revenue proper. Just imagine what the burden of annual interest alone is. We are all agreed that the total debt burden in the Punjab is not less than Rs. 200 crores. It may be more. (*An honourable member* : How much of it on agriculturists ?) This Bill, as I have stated over and over again, does not make any distinction between agriculturists and non-agriculturists. It is a Bill meant for the protection of debtors, and debtors include both agriculturists and non-agriculturists. (*An honourable member* : But land revenue applies only to agriculturists). Anyway, my friend, can ask somebody when he gets an opportunity, to contradict me on this point. There is no getting away from the fact that the burden of land revenue is Rs. 3 crores only and there is no getting away from the fact that the annual burden of interest is at a modest rate of 15 per cent. no less than Rs. 30 crores. We are fixing this 15 per cent. rate of interest as one which will be perfectly legitimate. Anything higher than that may be regarded as excessive according to our amendments and according to the view of Government a rate which is anything up to 18½ per cent. will not be regarded as excessive. So on an average if we calculate interest at 15 per cent. per annum the total annual burden on interest alone will be no less than 30 crores of rupees. If a burden of Rs. 3 crores is too high to be borne can anybody seriously suggest that a burden of as much as Rs. 30 crores can be borne easily ? And if there is need for a reduction of at least 50 per cent. in the burden of land revenue can anybody deny that there is a far greater need of reducing the deadweight of interest in a far greater degree ? If land revenue must be decreased by 50 per cent. what should be the measure in which a burden of Rs. 30 crores annually should be reduced ? Let honourable members calculate for themselves. Only an anna and a half in the rupee, of this burden should be allowed to stand. If you apply the principle of reduction to the Government dues there is no reason why you should not be prepared to apply the same principle to your own dues. Then, again, Government gave remissions to the extent of Rs. 6 crores during the last four years in various ways. Government has also agreed to an annual reduction of over Rs. 37 lakhs in *abiana*. Have the money-lenders or their representatives in this Council come forward with any offer, even approaching what has already been done by Government ? No. Then, again, Government has a formula under consideration which I understand has already been applied to the settlement in the Montgomery district. That formula is that prices of agricultural produce should be reflected in the annual land revenue. If that formula is accepted by Government and also receives the sanction of this House—I hope and believe that that formula will be placed before this House—then I think the zamindars will have another advantage allowed by Government in view of the existing

economic conditions. So far as money-lenders are concerned or their accredited representatives are concerned they have not said one word in what way they are going to give relief to the debtors. It is all very well to say that this provision is wrong, or that provision is wicked, or a third provision is nefarious. But have they made a single constructive suggestion in order to show in what particular manner they want that this debt burden should be reduced? Their position has been as usual one of a negative character, barren, sterile. They have not put forward any constructive

S P. M.

proposal with regard to the manner in which this burden should be reduced. There was just one suggestion by Mr. Nanak Chand Pandit, which I will examine when I come to his speech. (*A voice: When will you finish? You took two hours the other day and to-day you have already spoken for an hour.*) Probably to-day and possibly to-morrow. If I say anything irrelevant then it will be time for the honourable members to stand up and draw the attention of the Chair. I think I have every right to reply to the criticism which was so copiously offered by the representatives of urban interests.

Sir, may I add that the Punjab is not the only province which has undertaken this legislation, and the Punjab is not the only place where the people have been compelled by economic conditions to plead inability to pay their debts in full. Most powerful nations, most prosperous countries have had to plead their inability to pay their debts. Even in international affairs countries such as England, Germany, Italy and France have expressed their inability to meet their obligations to the United States or other countries. If such powerful nations, if such prosperous countries as I have named have been compelled to plead inability to pay, it should not surprise anybody if the Punjab debtor also pleads the same.

Again, the Punjab is not the only province where legislation to afford relief to the debtor classes has been undertaken. Bengal has already passed some sort of legislation. The Central Provinces have already passed some sort of legislation, and I understand another legislation is now under contemplation. The United Provinces legislature has as many as five Bills under consideration. They will be taken up on the 12th and will be passed before Sir Malcolm Hailey leaves the shores of this country.

Again, the province of Madras passed a law in order to afford protection to the debtor classes about a week ago and I may give an unpleasant bit of news to my urban friends here that among the five Bills which will be considered by the United Provinces legislature one is the Land Alienation Bill.

Diwan Bahadur Raja Narendra Nath : It is very different from our Act.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Because conditions are so materially different in the two provinces.

Diwan Bahadur Raja Narendra Nath : We will welcome that Bill. By all means substitute that Bill for our present Act. We shall gladly accept it.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Now let us take the instance of countries which are more free and more independent than we are.

Diwan Bahadur Raja Narendra Nath : Do you mean Zanzibar ?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I mean British Colonies and British Dominions. Seven of the colonies and dominions of the British Commonwealth have passed legislation to give protection to the debtor and relief, in some cases relief of a kind which possibly may startle Raja Sahib. (*Interruption.*) A restriction has been imposed upon the rights of creditors or upon the powers of courts to attach land. (*Interruption.*) I was saying that as many as seven colonies of the British Commonwealth have already passed legislation in order to afford relief to debtors and they are Victoria, New South Wales, South Australia, Tasmania, Western Australia, New Zealand and South Africa. (*A voice :* We will follow their example in full.) If Raja Sahib is powerful enough to reproduce the economic conditions which prevail in those dominions, I have no objection to having that legislation, but if Raja Sahib is unable to reproduce those conditions here I am afraid legislation in this province must conform to the conditions which prevail in this province. We cannot copy South Australia, we cannot copy South Africa because we are not in a position to establish here economic conditions which prevail there. I will read just one sentence from a booklet which I have in my hand which, if my interpretation of that sentence is correct, ought to startle Raja Sahib.

Hire purchase implements or chattels when used are to be paid for on the basis of 20 per cent. of value or 20 per cent. of amount owing whichever is less, with interest of 5 per cent.

This is in New South Wales. If it means, as I think it does, that only 20 per cent. of the face value should be paid to the man who sells goods on hire purchase system, then I think it is much more generous than anything contemplated here so far. If Raja Sahib accepts 20 per cent. of the amount of debts that are owed by the people, perhaps there may be a fairly large proportion of debtors who may be agreeable to pay. (*An honourable member :* I doubt it, Chaudhri Sahib.)

Another objection which was raised by more than one member was that this Bill is intended really to benefit big landholders. I do not know whether those gentlemen were entirely ignorant of the contents of this Bill or they were aware of the provisions of the Bill and yet thought it fit to put forward this argument. If they had just looked at certain clauses of the Bill they would have found that the object of this Bill is not to benefit big land-holders but to help those who are comparatively small landholders or those who are entirely landless. I will draw the attention of the honourable members who put forward that objection to clauses 3 and 4 of the Bill as it stands. Do they seriously think that these two clauses are intended to benefit big landholders ? They are restricted in their application to those whose debts amount to Rs. 250 or more and the value of whose property does not exceed Rs. 1,500. Can anybody suggest that this is a provision which is intended for the benefit of big landlords ? Certainly not, and yet in spite of the presence of these provisions in the Bill member after member arose from those benches and said that this Bill was designed to benefit only big landholders and that there was some sort of a conspiracy or an alliance, holy or unholy, between Government members and big landholders.

I may, in this connection, also draw the attention of the House to a limit of debts which can be dealt with by the conciliation boards. Government has proposed that a debtor in order to be able to come before a conciliation board should not owe ordinarily more than Rs. 10,000. Can it be said that this provision is intended to benefit big landholders? Certainly those people who own Rs. 10,000 or less cannot be classed as big landholders. Do any of these gentlemen really believe that any man occupying any respectable position in life would care to come before a conciliation board for a debt of Rs. 10,000 or Rs. 15,000 or even Rs. 20,000? No. (*An honourable member*: Are you really serious?) Absolutely. I am sure that respectable people will not go before these conciliation boards for debts of Rs. 10,000 or Rs. 15,000. Do you really think that a respectable man occupying a high position and claiming to be a big land-lord will ever go before a conciliation board for the settlement of a debt of Rs. 10,000 or Rs. 15,000? Certainly not.

Then, again, there is a provision relating to the amendment of the Redemption of Mortgages Act. There the amendment seeks to ensure that if the land mortgaged does not exceed 50 acres and the amount of mortgage money does not exceed Rs. 5,000 then a mortgagor can claim the benefit of summary proceedings for purposes of redemption. This, again, is an indication that the Bill is not meant for the benefit of big landholders. With these provisions contained in the Bill it should not have been difficult for the representatives of money-lending interests in the House to understand that the Bill was really intended for the benefit of comparatively smaller landholders and smaller people.

Another general objection which was put forward by many members was that if this Bill is passed into law it will inflict a shattering blow to the credit of debtor classes. They drew the attention of the House to the omission of the words "and the improvement of agrarian credit." These words were omitted in the select committee deliberately and not accidentally. We insisted that those words should be removed because so far as our intention was concerned we were not out to improve the credit of the agriculturist classes by this Bill. We wanted this Bill and we still want this Bill to have the effect of restricting credit. An agriculturist, generally speaking, enjoys a credit which should not be extended to him. His credit, for some reason or other, has been artificially inflated and that has proved his ruin. That has proved his curse. Therefore, so far as rural members were concerned their object was by this legislation to secure a curtailment of the credit of agriculturist classes. (*Interruption.*) Now, in order to save the agriculturist or other people of his class, other people who are in a similar position, from the clutches of the money-lender it is absolutely essential that their credit should be further restricted. It was pointed out by certain members that the Land Alienation Act had already had the effect of restricting the credit of the agriculturist and that if the agriculturist members of this House were so foolish as to have this legislation passed, the credit of their class would be entirely gone. Whether the credit of the agriculturist would disappear entirely or partially, and if partially to what extent, it is very difficult to predict. But we wish that there should be some further curtailment of his credit. The Land Alienation Act has had the effect of enhancing the credit of agricultural classes. I do not know whether the

✓[R. B. Chaudhri Chhotu Ram.]

original sponsors of that measure intended or did not intend to restrict the credit of agricultural classes, but the effect is that this legislation has very considerably enhanced the credit of statutory agricultural classes. I will tell the House why. The result may appear as paradoxical, but it is there. This alienation of Land Act, as I submitted day before yesterday, gives an element of stability to the economic position of an agriculturist in the Punjab which is lacking in every other province. On account of this element of stability in the economic position of the zamindar he enjoys an amount of credit which should not have been extended to him. Therefore a curtailment of the credit of the zamindar class has become necessary, and if this Bill results in that curtailment, as we wish that it should do, it would be quite welcome to the members of agricultural classes who occupy these benches.

Again, I heard from our opponents two sets of arguments which seem to me to be destructive of each other. The two are incompatible with each other. On the one hand Raja Sahib, Mr. Mukand Lal Puri, Mr. Labh Singh and Mr. Nanak Chand Pandit, each one of them said, "What is the use of passing this legislation? Suppose you are able to relieve the debtor of his debts to-day, to-morrow he will run into debt again." This was one argument. The other argument was that if this Bill was passed into law, it would entirely shatter the credit of agricultural class. If this Bill has the effect of entirely shattering the credit of agricultural classes, how can that class run into debt again? The credit of the class is gone! Therefore one of these arguments must necessarily be unsound. Either one is sound and the other is not or both are unsound, but both cannot be sound.

Another controversial point was introduced by Mr. Nanak Chand Pandit who stated that the agriculturist members of this House wish that the agriculturist money-lender should come to the fore and that if this legislation is passed, in some inscrutable way the agriculturist money-lender will gain. Having made that untenable assumption, he came out with a further argument that the agriculturist money-lender was an absolutely callous being. In order to lend support to this preposterous proposition he quoted the authority of Mr. Darling. No doubt Mr. Darling is a very senior officer, but when he attacks my class unjustly I must take up cudgels on behalf of my class. I have no hesitation to say that his remarks are ill-considered, ill-judged and ill-advised. I will show that he is wrong in suggesting that the agriculturist money-lender is a heartless being as compared with a non-agriculturist money-lender. It has been stated that if we give relief to a debtor who owes money to a *bania* then we are really handing a lamb to a butcher after rescuing it from the wolf. That is entirely wrong. An agriculturist money-lender may not, as alleged, agree to remit any portion of his debt, and although I do not admit it, suppose for the sake of argument that an agriculturist money-lender is unwilling to forego any part of his debt or interest, does it mean that he is harsher than a *bania* money-lender? Certainly not. The non-agriculturist money-lender has certain collateral and dishonest advantages which an agriculturist money-lender has not and will not care to have. I will tell the House presently what those collateral advantages are. An agriculturist money-lender fortunately has not learned so far to make false entries in his account books. (Hear,

hear). He does not lend Rs. 50 and enter Rs. 100 in his account book. Fortunately also he has not learnt so far to omit to give credit to a debtor for payments which the latter makes. That is another feature which seems to have escaped the attention of urban members and also of official members. Again, an agriculturist money-lender is not a shopkeeper, he is not a trader, he is not a middleman, while unfortunately an ordinary non-agriculturist money-lender is a trader, a shopkeeper, a middleman and also a creditor. This combination of various capacities gives a non-agriculturist money-lender an advantage of immense value which is not availed of by an agriculturist money-lender. The latter does not use false weights; he does not use a tricky beam; he does not use short measures. He is not in a position to do all these things. He has no occasion to, because fortunately he has not resorted to the profession of shop-keeping. If he resorts to that profession, then his instincts after two or three generations will become exactly what they are now of the trader class money-lenders. But as things are, an agriculturist money-lender has not so far thought it fit to avail himself of these advantages. Therefore an agriculturist money-lender cannot be expected to be so ready for remission of interest as a non-agriculturist money-lender. But it is wrong to conclude from this that the agriculturist money-lender is harsher than the non-agriculturist money-lender. Only the non-agriculturist money-lender has a better control of his feelings and perhaps a better control of his facial muscles than a Jat. If a Jat gets angry he will show it in his face; but if a *bania* gets angry there will be no show of his anger at all. That is only the difference. But it is entirely wrong to suggest that the agriculturist money-lender is heartless. I am afraid Mr. Darling seems to have formed this estimate of an agriculturist money-lender on wrong data and on wrong information. (*Interruption*). I personally feel that Mr. Darling has been misled and having been misled he recorded his erroneous impression in his book. That dictum having once been incorporated in a book written by an I. C. S. officer everybody is ready to quote it as authority. But that authority is wrong. It is entirely misleading as the information on which it is based is erroneous.

Next I will draw the attention of the House to a certain proverb which was quoted by Mr. Darling in order to show that a Jat money-lender was a heartless creature. That Punjabi proverb was—

جے۔ سڈا سنسار قبیله گالدا
کان۔ کمبو۔ کلال قبیله پالدا

That proverb was quoted by one of the members in order to prove his claim that a Jat money-lender is a heartless creature from Mr. Darling's book. If Mr. Darling has understood this proverb to delineate the features of a Jat's character as a money-lender, then he has entirely missed the significance of this proverb, and that shows the extent of his knowledge. He does not know what this proverb is meant to convey. Somebody might have given him an erroneous interpretation of the proverb and being a foreigner he might have concluded that the proverb described the Jat as a money-lender. His views are thoroughly unsound both in this respect and in respect of the Land Alienation Act, and unfortunately he has been appointed on a special duty in respect of a problem in which the Land Alienation Act may come in for a good deal of criticism on his part.

✓[R. B. Chaudhri Chottu Ram.]

A very strange suggestion was made by one or two opponents of the Bill. It was said, "Suppose the money-lenders refused to advance money to debtors and refused to purchase their agricultural produce when land revenue became due." Do they expect this House to take this argument seriously? If a lawyer says he will not accept cases from his clients or if a doctor says he will not treat his patients, will anybody take such a lawyer or such a doctor seriously? Certainly not. The lawyer derives all his income from the conduct of cases. The doctor derives all his income from the treatment of his patients and unless he is prepared to commit suicide or say good-bye to the means of his livelihood he is not going to give up his practice. A money-lender cannot simply afford to give up money-lending. He cannot afford to refuse to buy agricultural produce. He simply cannot. He is not pursuing his profession from altruistic motives, nor for the sake of agricultural classes. That is a profession which gives him his riches; that is a profession which gives him his status; that is a profession which gives him his means of livelihood.

A very tempting promise was made by Mr. Nanak Chand Pandit that if this Bill had been confined to the protection of the peasant proprietors or the smaller men, he would have lent his support to this Bill and possibly that of the other members of his party. This was an argument which was meant probably for the gallery. I have been watching very carefully the attitude which Mr. Nanak Chand Pandit and other members of his party have adopted on very important occasions in respect of the smaller peasant, in respect of the smaller people, and I propose to give a few instances of that attitude. In April 1924 water rates were enhanced. In November 1924 a zamindar member of this House brought in a resolution requesting the Government to restore the old level of water rates. To a man the non-zamindar members of the National Reform Party opposed that resolution. I have Mr. Nanak Chand Pandit's speech before me now. If he had been present here now, I would have quoted one or two sentences from his speech. But as he is absent I would refrain from doing this. In 1925 the same resolution came up again for discussion and the attitude of the whole National Reform Party minus the zamindar members certainly was that of opposition. Then, again, in 1927 a resolution was moved by the honourable member who is now the Leader of the House in order to have a special fund to help agriculturists when the need for help arose. He made a particular reservation in favour of *barani* tracts. His request was that out of the last instalment of the remission of our provincial contribution, 50 lakhs should be laid aside in order to form a nucleus of a fund which may be drawn upon for lightening the burden of agriculturists of *barani* tracts, and what was the attitude of Mr. Nanak Chand and his party? It was one of unqualified opposition. I may be allowed to read one or two sentences from the Council debates. Pandit Nanak Chand says:

Sir, the resolution under discussion says that a sum of rupees 50 lakhs, out of the remission made by the Government of India, in the annual contribution from this province be set apart annually for ten years and that for ten years at least no relief in any shape or form be given to the zamindars of *barani* tracts...

The resolution, if accepted, would stop all progress of the province and as such we should reject it.

Here was a resolution which was intended for the poorer parts of the province, the *barani* tracts and here is the help which was rendered by Mr. Nanak Chand himself in affording the recommended relief in these poorer tracts. I may be allowed to quote just one sentence from the speech of the leader of his party.

Diwan Bahadur Raja Narendra Nath : I may say at the very outset that I am in full sympathy with the subject matter of this resolution.

As he always is.

I am aware that the zamindars of certain parts of this province are very poor and are in urgent need of relief, but the way of affording them relief, as proposed by the honourable mover of this resolution, is in my opinion not the right way.

No way that any member of our party has been able to suggest has ever appealed either to the Raja Sahib or to any member of his party. That is the history of the attitude of the party of Mr. Nanak Chand and its leader the Raja Sahib as disclosed in this House.

Now I will come to another very important matter which throws light on their attitude. In 1928 a Bill was introduced in order to amend the Land Revenue Act and when that amending Bill was under discussion a member of the zamindar party moved an amendment that a holding of 2 acres in irrigated areas and 5 acres or perhaps, a little more in non-irrigated areas might be exempted from assessment. That amendment was opposed strongly by the Raja Sahib and all his followers minus the zamindar members. Then we came down to a more modest proposition and that was that any holding which if assessed would yield only Rs. 5 in land revenue should be exempted from assessment. There again the reply of the Raja Sahib and his party was the same. They were opposed to it, consequently we lost that amendment.

Diwan Bahadur Raja Narendra Nath : Impractical proposals have to be opposed.

Rao Bahadur Chaudhri Chhotu Ram : There are always some difficulties in the way of the Raja Sahib helping even the poorer section of zamindars. Sometimes they are administrative, sometimes they are financial, and sometimes they are fiscal or political, at other times they are of a communal or class complexion. But I have come across no case when Raja Sahib and his followers have given any help to our party in order to get much needed relief not for big landholders, but for the poorer section of the zamindar community. However, let me resume my topic of the Land Revenue Act Amendment. We came down to a still more modest proposition and proposed that the local Government should be empowered to exempt certain classes of holdings if and when it thought fit. The Raja Sahib and his followers minus the zamindar members came to the conclusion that it would be very dangerous indeed to invest the local Government with a discretionary power of that character and they threw their weight against us, with the result that the motion was defeated. This is the measure of help which the poorer section of the Punjab population has been receiving from Mr. Nanak Chand and his party. It is, therefore, wrong to say that if this Bill had been confined to the smaller people Mr. Nanak Chand and the other members of his way of thinking would have supported it. (*An honourable member* : Try it). This Bill will furnish that trial because this Bill is chiefly intended to help the smaller zamindar only. I have been

✓[R. B. Chandhri Chhotu Ram.]

saying that Pandit Nanak Chand and his friends have always failed to respond to any proposition put forward by this section of the House for helping the zamindar. He says, "you are all wrong; I am the only person who can understand the interest of the zamindar class. I represent a rural constituency; I am returned to this Council by the votes of zamindar voters; who are you to question my authority? I can speak with authority when any matter relates to the welfare of the zamindar class. I have been returned by the Hoshiarpur rural constituency three times in succession in spite of the opposition of many elements including the Akali Dal." He is, I think, perfectly justified in flourishing his success in our face. He has been able to get himself elected in spite of opposition that was offered to him by many people including myself. We failed to help the rival candidate in coming out successful. But does that really mean that Mr. Nanak Chand's view can be accepted as authoritative where zamindar interests are concerned? Certainly not. Here there are other 50 members belonging, according to Mr. Nanak Chand's own admission to statutory agricultural tribes. They also represent rural constituencies. They have also been returned by the votes of agricultural classes. If their view is not accepted on matters relating to the welfare of the zamindar class, how can the view of one single person be accepted as authentic? My view of his return to the Council in spite of opposition is entirely different from his. His return, successful return, three times in spite of opposition, is pregnant with meaning. That meaning is very clear to me. It is that the poverty and indebtedness of zamindars have a very great coercive effect on the zamindar population, and this is the strongest argument in favour of this Bill. The extent of the poverty and indebtedness of the zamindar class is so great that they are not in a position to exercise their right of vote freely. That explains the return of the honourable member to this House three times in succession in spite of the opposition that was offered to him by Akalis and some zamindar members of this House. Therefore I beg to submit that his presence in this House, the presence of an opponent of the Land Alienation Act in this House as a representative of a rural constituency, is the strongest argument in favour of this Bill.

I will now come to the remedies suggested by Mr. Nanak Chand Pandit. His suggestions may be divided into two classes. Those which will do good in the future and those which may do good at present. I will take those which he expects will do some sort of good in the future. He says that cottage industries should be promoted. I am absolutely at one with him. In this respect Government has been guilty of a gross omission. Government has not been doing anything to encourage cottage industries.

The Honourable Mr. D. J. Boyd : I deny that absolutely and I protest very strongly against statements of that kind being made when the debate is not about cottage industries. I will defend that charge any time a proper debate is raised on the subject.

✓**Rao Bahadur Chaudhri Chhotu Ram :** In spite of the outburst of the Honourable Finance Member I feel that I am correct.

Mr. President : The honourable member ought not to have discussed the attitude of any individual member or members. Impersonality is one of the first principles of a parliamentary debate.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Here was a point on which fortunately I find myself in agreement with my friend Mr. Nanak Chand Pandit and if the Chair rules that I should not bring out any point on which I may possibly be in agreement with Mr. Nanak Chand I will not. But as he has made a definite reference to this question I have a right in one bare sentence to say that I agree with him.

Mr. President : But is the criticism of Government relevant ?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** He had stated that Government had not done anything. I do not know what the exact words used were.

Mr. President : Then the honourable member is repeating his argument.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I am only expressing my agreement with him. I am not putting forward any substantive argument.

Mr. President : Granting that the subject is a very vast one and that an able lawyer, as the honourable member is, can make irrelevant things relevant, I think there is a limit to everything.

The Honourable Dr. Gokul Chand Narang : I have been feeling that he has been irrelevant for the last half an hour.

Mr. President : My opinion with regard to all speeches, made on the motion before the House, is that more than 80 per cent. matter was irrelevant.

Mr. Mukand Lal Puri : I hope you will enforce the rules of relevancy.

Mr. President : Yes, I will, but it is the duty of the honourable members, as well, to help the Chair in enforcing the rules of debate, etc.

The Honourable Dr. Gokul Chand Narang : One is liable to be misunderstood.

Mr. President : And likely to be misrepresented.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** The Honourable Dr. Gokul Chand was entirely silent when Mr. Nanak Chand Pandit was speaking.

Mr. President : He has been silent even now.

The Honourable Dr. Gokul Chand Narang : That was why I was silent in your case.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I wish somebody had provoked him then to break his silence.

Mr. Nanak Chand Pandit also made a reference to reduction of salaries. I have been trying to do my little bit to get salaries reduced but in some cases even if Government were inclined to reduce salaries it has no power to do so. Therefore so long as the constitution is what it is we are mostly helpless. So nothing very substantial can be done in that way. He further suggested the redemption of the total amount of debt by Government itself. That Government should take over the entire debt of the debtors, pay it itself and then recover the amount paid from the debtors. At one time I put forward a suggestion of that character myself that four

✓[R. B. Chaudhri Chhotu Ram.]

annas in a rupee may be paid by Government and in the case of land-holders it may be recovered from them along with land revenue. But on further consideration I found that that suggestion was impracticable and would land Government in difficulties from which it would be almost impossible to extricate itself (*hear, hear*). Therefore I do not stick to that suggestion. If Mr. Nanak Chand Pandit gave a little more careful thought he would find as I did that this suggestion was not one of any practical value. If nothing else, it is bound to lead to artificial inflation of debts. I owe to another person Rs. 500, the *bania* says well, I am prepared to advance you another Rs. 50 provided you say you owe me Rs. 1,000. In this case at four annas in the rupee Government would have to pay Rs. 250 instead of Rs. 125 if only the creditor and the debtor came to a collusive arrangement to share the excess. So, there will be no end of bogus arrangements of this character. Therefore on this ground alone among others this suggestion is impracticable. Then, he also made a suggestion that land revenue should be reduced. Well zamindar members have been doing something in this direction and Government has responded to some extent, but if we were to go on pressing this suggestion over and over again, for more and more remission and permanent remission, I think some members can very legitimately say that zamindars are not behaving in a responsible manner. I have very good grounds to believe that Mr. Nanak Chand Pandit while in England made a good deal of capital out of the two or three cut motions which were carried here during the Budget Session. He is reported to have said, "look here, see what these people have done when out of power; if you place them in power, you can imagine what they will do in regard to land revenue and *abiana*. They have passed in a single session two or three cut motions urging reduction of land revenue and water-rates." That ought to be a sufficient warning to zamindar members of the House against any further pressing of permanent reduction in land revenue or *abiana*. I may now come to the Land Alienation Act.

Khan Bahadur Malik Zaman Mehdi Khan : If any member has made an irrelevant speech, is it necessary for succeeding members to reply to that unnecessary criticism?

Mr. President : No.

Sardar Bahadur Sardar Buta Singh : Can any member rise on a point of order when he is not sitting in his own seat?

Mr. President : No.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I should like to hear the views of the honourable member for Rohtak about the suggestion made by Mr. Nanak Chand Pandit for following America.

✓**Rao Bahadur Chaudhri Chhotu Ram :** I seem to have missed the nature of that suggestion, but there is just one point to which I should like to draw the attention of the Chair. Mr. Nanak Chand Pandit made a very detailed criticism of the Land Alienation Act and its reactions on the representation of various classes in the House. I have very good grounds to believe that this propaganda was carried on by him in England also while he was there. He also stated in this House that he was going to forward the proceedings of this debate to the Secretary of State. We

protested not once but twice or thrice that he should not be allowed to drag in the Land Alienation Act but he was allowed to go on and I think it would be only fair under the circumstances to allow me to give a reply.

Mr. Labh Singh : Not after the ruling that has been given.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Is there any authority vested anywhere to order the expunging of that portion of Mr. Nanak Chand Pandit's speech which related to the Land Alienation Act and which was irrelevant ?

Mr. President : Why did not the honourable member take exception to it then ?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** We did, not once but twice or thrice and the object which we had in view in protesting was that when our turn came we should be allowed to reply to these criticisms.

Mr. President : Do the honourable members of the House wish to hear the honourable member on the point ?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I definitely stated that there are certain portions of Pandit's speech which have political reactions and I must be allowed to give a reply on those points.

The Honourable Dr. Gokul Chand Narang : The report of the select committee is coming out.

Mr. President : Irrelevancy should be avoided. If the honourable member can make his speech relevant to the subject before the House, he can say anything, otherwise he may proceed with other points.

Khan Bahadur Malik Zaman Mehdi Khan : My point of order as decided by you, was out of order having been raised while I was not in seat, it is therefore not binding.

Mr. President : Is that the honourable member's ruling ? (*Laughter*).

Mr. Mukand Lal Puri : That is the power of review exercised by a judicial or executive officer.

The Honourable Dr. Gokul Chand Narang : An *ex-executive* officer.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Mr. Nanak Chand Pandit stated in this House that it was wrong on the part of the Government to espouse the cause of a section of the population which was already powerful in this province and which was already powerful in this House. He stated that as many as 50 out of 71 elected members of the House were members of statutory agricultural tribes and he thought that it was wrong to place another law on the statute book to help the same class of people. He forgot that so far as the present Bill is concerned it is meant for the benefit of not only statutory agricultural tribes but also others. In fact the word "agriculturist" as it existed in the original Bill, was allowed to cover classes which are agriculturists by profession though not agriculturists in the technical sense of the Land Alienation Act. Therefore in reply to his criticism of the composition of this House or of the object of this legislation I must draw the attention of the House to the fact that the population of agricultural classes is much

✓[R. B. Chaudhri Chhotu Ram.]

larger than the population of statutory agricultural tribes. That is to say the honourable member was wrong in including in the term agriculturist only those tribes which have been declared under the Land Alienation Act as agricultural. The Land Alienation Act was passed with a specific object, for a limited purpose. For that limited purpose and in order to serve that limited object a certain number of tribes were declared under that law as agricultural tribes. But that does not mean that there are no other classes which are agricultural by profession. The object of the Land Alienation Act was limited in character. Its object was that the hereditary land-owning classes must be saved from the process of expropriation which was in progress when that Act was passed. There are many other classes which pursue the profession of agriculture, but which are not land-owners, much less hereditary land-owners. Therefore the limited scope of the Land Alienation Act should not be brought in in order to prevent another section of the agricultural population from being counted as agriculturists. I beg to submit that in the ordinary sense of the word, the wider sense of the word 'agriculturist', that is, in the sense that all those who depend for their livelihood primarily on agriculture should be regarded as agriculturists, the agricultural population is not less than 80 per cent. of the total population of this province. That is a fact which has been borne out by figures collected at the time of the census. (*An honourable member*: Not statutory.) I have made it perfectly clear that the word 'agriculturist' in its ordinary sense, apart from the limited and technical sense of the Land Alienation Act, is much wider than the familiar expression "a member of a notified agricultural tribe." I was submitting that the total agricultural population of the province exceeded 80 per cent. It is certainly not less than 80 per cent. From that point of view the object of this legislation ought to be regarded as laudable even if this legislation were confined to the benefit of those classes alone. As a matter of fact it goes even beyond them. It comes to this then that the agricultural population of the province is at least 80 per cent. And apart from that section of the population there is another section of the population which is covered by this Bill. Therefore we may accept it as a correct proposition that this Bill if passed into law will benefit as many as 90 per cent. of the population. The duty of safeguarding the interests of this 90 per cent., of the population under the present constitution rests entirely with the zamindar section of the House. The zamindar may be taken as a symbol, as an embodiment of indebtedness, as a true representative and as a true champion of the debtor classes. Therefore the frequent use of the words zamindar and agriculturist in our own speeches may be regarded as symbolical and does not mean that the benefit of this law is confined only to those classes which are regarded as agriculturist under the Land Alienation Act. Again, how can Mr. Nanak Chand Pandit claim or other members of his party claim that they are better representatives of the interests of non-statutory agricultural classes than statutory agriculturist members who suffer the misfortune of indebtedness along with the rest? We know the honourable member belongs to a class which exploits debtors, which exploits them not only as creditors but also as shopkeepers, not only as shopkeepers but also as middlemen. And those who exploit non-statutory agricultural

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 classes by acting as middlemen, shopkeepers or traders cannot claim to be as good or even half as good representatives of those classes as we can. Therefore the criticism either with regard to the object of the Bill or to range of the beneficiaries under the Bill was entirely groundless. The number of those members in the House who belong to statutory agricultural classes is certainly not larger than what it ought to be for the reason among others that they are in a far better position than the party of Mr. Nanak Chand Pandit to safeguard the interests of non-statutory agricultural and other indebted classes.

It would be wrong on my part if I omitted to make a reference to certain observations of the lady member of the House. I have already been inexcusably unchivalrous in wishing to keep her sex out of the House. I must pay her the compliment of taking some notice of what she said. Apart from the fact that she is a lady member she is also the president or patron or something of the "Indebtedness Bill Crusade Committee." She happens to be, I am told, the Secretary of that committee which was appointed by the Traders' Association at Lyallpur. She holds a very responsible office in that committee and therefore it is only right that I should pay her the compliment of replying to her observations. She was pleased to hold out a threat that the trading classes were going to set up a very, very powerful agitation which Government would find very difficult to cope with. She was perfectly right in taking advantage of the ordinary weakness of Government. Government is very much afraid of agitation and she thought that if she held out that threat that would have a great influence with Government. But agitations have been set up before, agitations will be set up in future. There has been a good deal of agitation during the last four or five months, but agitation in itself does not add to the weight of authority of any views sought to be expressed thereby. What will that agitation be like? She gave a hint of at least one feature, that is, that traders may boycott British goods. I wonder whether it is the boycott by traders which is more effective or a boycott by purchasers and consumers. Suppose an agitation is set up that traders will not import British goods, and suppose the consumers insist that out of foreign goods they will purchase only British goods. My impression is that in that event the trader will have to come down from his pedestal. It is the consumer whose voice is effective and not that of the middleman or the trader. (*Interruption.*) If that agitation for boycott of British goods is based upon the attitude of Government in respect of this Bill it may very reasonably have that reaction. I do not say this from unpatriotic motives, I assure the House that I am not saying this in order to humour the British, in order to humour Government. I know the British far too well to base any faith on such slender grounds. What I wish to convey is that if a movement for the boycott of British goods is based upon the favourable attitude of Government in respect of the Indebtedness Bill it may have a reaction in consuming classes which will be the exact opposite of what the lady member desired to achieve. Purchasers and consumers may refuse to buy non-British goods and if they make up their minds to do that I think their voice will carry weight and not the voice of the middlemen or traders. (*An honourable member: Do you promise to carry on that agitation?*) Yes, if a movement for the boycott of British goods is based on the favourable attitude of Government

✓[R. B. Chaudhri Chhotu Ram.]

in respect of this Bill I will certainly do it. I will certainly oppose that movement of boycott and I may be able to support a movement in another direction.

I come to my last point. Suppose this Bill is not passed what will happen? The creditors will have to secure decrees. They will have to pay court fees; they will have to pay counsel's fees, they will have to pay for other expenses incidental to litigation, and after having paid a large proportion, a fairly large proportion, of the claims on getting a decree, what will be the worth of that decree? Decrees which have already been passed by courts can be had in any numbers at 25 per cent. of their face value. If there are any members in this House who can start a banking company in order to take up these decrees I promise to supply them as many decrees as they like at 25 per cent. of their face value. Does the House believe that creditors are likely to throw their good money after bad? They can at best get decrees which it will be very difficult to realise. Therefore in the first instance I fear that creditors will not like to spend money on getting decrees. In some cases creditors may not be in a position to incur the expenses incidental to litigation. But suppose by some cheap method, for instance, by resort to private arbitration creditors are able to secure decrees, the execution of those decrees will require a good deal of money. I think that all those who are in any way connected with courts know that it is with the passing of decrees that the trouble of a creditor really commences. He has to pay a good deal in order to be able to secure even a partial satisfaction of his decrees. Therefore it is best that some law should be passed which will bring the debts within the paying capacity of debtors and will encourage them to pay whatever they can. If the debtors think that they cannot wipe off their debts their feeling will be somewhat like this. "What is the use of making any payments at all, after all we cannot possibly pay up the whole amount." If these debts are brought within their paying capacity, it will encourage them to make a genuine effort to repay their obligations.

It has been suggested that so far as this Bill is concerned it makes no provision whatsoever for Government helping in the recovery of the debts. I understand that Mr. Wace is engaged in hammering out some sort of a scheme under which the Co-operative Societies may be able to come to the rescue of debtors within certain limits. Of course it will not be easy or practicable for the Co-operative Department to take over all the debts but what I understand is that Mr. Wace is thinking of some sort of a scheme which may enable his Department to come to the rescue of debtors and help the creditor in the realisation of a certain proportion of his debts. In the circumstances the best thing would be to pass this legislation and not to insist on the motion for circulation. We have already wasted a good deal of precious time. I have wasted a good deal of the precious time of the House myself. I hope the House will now proceed to dispose of the present motion, and will dispose it of in the right way.

The Honourable Mr. D. J. Boyd (Finance Member): The last member has talked for 2½ hours, I propose to talk for 2½ minutes. I did not want to talk at all but there are one or two statements that I am absolutely bound to refute. The first is the allegation which has been made several

times, especially from the benches of the National Reform Party that there is some kind of an unholy alliance between Government and the National Unionist Party, that there have been some secret negotiations and I think it was Mr. Puri who claimed that his party ought to have been consulted on the subject. We have heard from the Leader of the National Unionist Party that nothing whatever has occurred beyond what is known to the House, and I would like to repeat the statement which I made at the very beginning of this debate that all that has happened is this. The local Government naturally wish to see this Bill passed into law. They did not draft the Bill for fun. They drafted it with the object of passing it into law and that as soon as possible. The main provisions of the Bill have been circulated for opinion and have been fully criticised and Government are anxious that its main provisions should become law without any unnecessary delay. They were unable to accept the last three clauses of the Bill because they made serious changes in the civil law. They were unable to accept the last three clauses without ascertaining opinion and especially the opinion of the judges of the High Court. For that reason they suggested to the Leader of the National Unionist Party that his party should drop the last three clauses on the understanding that facilities would be given later on for a private Bill embodying these clauses provided that they were previously circulated for opinion. That is all that has been done. All those suspicions about underhand negotiations are entirely unfounded. I wish to make that very clear indeed.

Both parties have suggested that Government is partial on one side or the other. If you read the ~~minute of dissent of the members~~ of the National Unionist Party, I think you will see ~~between the lines~~ their complaint that Government members had not supported them. The real truth is, I think, expressed in the story told by one of the members while the select committee was sitting. It is the story of the weavers and the mosquitoes which, I suppose, every Indian member knows and which I need not repeat.

The only other thing to refute was the suggestion which has recurred time after time about the burden of the land revenue in this province. When it was mentioned again this afternoon, I took the trouble of sending for the last Season and Crop Report. I find from it that the average harvested area of the province in the last ten years is 258 lakhs of acres. That is not the cultivated area but the harvested area. The land revenue last year was Rs. 4,26,64,000. You will find that the land revenue in the province falls at an average rate of Re. 1-12-0 per acre matured.

Mr. President : The question is—

That the Punjab Relief of Indebtedness Bill as reported by the select committee be circulated for the purpose of eliciting public opinion thereon by the 15th February, 1935.

The motion was lost.

Mr. President : The question is—

That the Punjab Relief of Indebtedness Bill as reported by the select committee be taken into consideration.

The motion was carried.

The Council then adjourned till 2 P.M. on Monday, the 12th November 1934.

1. *Phragmites australis* (Cav.) Trin. ex Steud.

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PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Monday, 12th November 1934.

The Council met at the Council Chamber at 2 P.M. of the clock. Mr. President in the chair.

OATH OF OFFICE.

The following members were sworn in :—

Mr. P. Marsden (Secretary, Transferred Departments).

Sardar Sahib Sardar Beant Singh (Deputy Registrar, Co-operative Societies).

Chaudhri Muhammad Husain (Inspector of Vernacular Education, Punjab).

STARRED QUESTIONS AND ANSWERS.

OCCUPIERS' RATES ON SUTLEJ VALLEY PROJECT CANALS.

***3925. Chaudhri Allah Dad Khan :** With reference to the Press *Communiqué* issued by Government some time ago, modifying the occupiers' rates on the Sutlej Valley Project Canals, will the Honourable Revenue Member please state—

- (a) the area, in round numbers, of the cattle breeding farms in the Multan district ;
- (b) whether he is aware that the greater part of the area of the farms is sown each year with fodder crops to secure fodder for the cattle ;
- (c) the ratio of the area sown with fodder crops to that occupied by other crops during the year 1933-34 in the farms ;
- (d) whether the managers of the farms have applied for reduction of occupiers' rates on the fodder crops ;
- (e) if the answer to (d) is in the affirmative, what action Government intends to take in the matter ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) 8,000 acres.

(b) According to the conditions of the grant 45 per cent. of the total area is to be cropped and only two-thirds of this is expected to be under fodder crops.

(c) Not available.

(d) No. Such applications could not well have been submitted considering that these farms pay only Re. 1-8-0 per acre while on the rest of the Lower Bari Doab Canal the present rate for fodder crops is Rs. 2-8-0 per acre.

(e) Does not arise.

HINDU ASSISTANT DISTRICT INSPECTOR, DERA GHAZI KHAN.

***3926. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the District Inspector, Dera Ghazi Khan, is a Muslim gentleman ;
- (b) whether it is a fact that out of the 5 Assistant District Inspectors there is not a single Hindu Assistant District Inspector ;
- (c) whether it is a fact that since 1930 not a single Hindu Assistant District Inspector has been appointed in the district ;
- (d) whether it is a fact that the Hindus constitute about 16 per cent. of the total population in the district ;
- (e) if replies to (a), (b), (c) and (d) are in the affirmative, what Government intends to do to remove this grievance ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) and (c) No. One Hindu Assistant District Inspector has recently been appointed.

(d) No. According to the last census the Hindus form 11 per cent of the total population and 7 per cent. of the rural population in the Dera Ghazi Khan district.

(e) Does not arise.

COMMUNAL REPRESENTATION, LOWER JHELUM CIRCLE.

***3927. Rai Bahadur Lala Sewak Ram :** Will the Honourable Revenue Member please state—

- (1) whether it is a fact that the Executive Engineer, Head Clerk, 2nd Clerk, Despatcher, Head Munshi and Head Draftsman in the Shahpur division, Lower Jhelum Circle, are all Muhammadans ;
- (2) whether it is a fact that the Executive Engineer, Head Clerk and Camp Clerk in the Sargodha division, Lower Jhelum Circle, are all Muhammadans ;
- (3) whether it is a fact that out of four divisional Head Clerks, in the Lower Jhelum Circle, three are Muhammadans ?

If the replies to Nos. 1, 2, 3, are in the affirmative, what the Government intends to do to remove the grievances of other communities in this respect ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (1) and (2). Yes, except the head clerks who are Hindus.

(3) No. Two are Muslims and two are Hindus.

There is no reason to suppose that any of the communities have a grievance.

GOVERNMENT HIGH SCHOOLS, AMBALA DIVISION.

***3928. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education kindly give information required in the statement enclosed herewith regarding the Government High Schools in Ambala division :—

Name of the teacher whose work was endorsed as 'Not satisfactory' by Mr. J. L. Wilson and the year of endorsement.	Pass percentage in the subjects of teacher in the University or school promotion Examination in that year.	Which subject was made the basis of the 'Not satisfactory' endorsement and why.	In which cases Mr. J. L. Wilson revised the endorsement on the basis of good pass percentage.

The Honourable Malik Sir Firoz Khan Noon : As the officer concerned has not resumed duty on return from leave the answer cannot be given. It will be given as soon as he resumes duty.

REVOLVER LICENCE TO LALA ARJAN DEVA.

***3929. Mr. Mukand Lal Puri :** Will the Honourable Member for Revenue be pleased to state—

- whether Lala Arjan Deva, B.A., Editor and Proprietor, *The Sunday Times*, Lahore, was holding a revolver licence for the last nine years ;
- whether it is a fact that his licence has not been renewed without stating any reason ;
- whether he has abused this licence during this period of nine years in any way ;
- whether there is anything against the gentleman which warrants that his licence which he was keeping as a peaceful citizen for self-protection should be cancelled ?

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

(b) Yes. It is the policy of Government that revolver licences should be issued or renewed only in cases of the strictest necessity. It was not shown that such necessity existed in the case of Lala Arjan Deva, and renewal was refused on that ground.

(c) and (d) Do not arise.

MR. SALLY, SUB-DIVISIONAL OFFICER, SUBRAON BRANCH.

***3930. Chaudhri Faqir Husain Khan :** Will the Honourable the Revenue Member kindly state—

- for how long Mr. Sally, Sub-Divisional Officer, Subraon Branch, has been working in the Jandiala division ;
- how far Raya, the headquarters of the Sub-Divisional Officer, is from Amritsar and Jullundur City, respectively ;
- whether the father of Mr. Sally is working as Principal of some college at Jullundur ;

[Chaudhri Faqir Husain Khan.]

- (d) whether any complaints have been made against him since his appointment in this division ; if so, how many, and what was their nature ;
- (e) the action, if any, taken on the complaints mentioned in (d) ;
- (f) if up to this time no action has been taken on those complaints, what action Government proposes to take now ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Since 15th November 1981.

(b) 22 miles and 25 miles, respectively.

(c) Yes.

(d), (e) and (f) Complaints, anonymous and otherwise, are often lodged against officers, but in the case in question no unusual number have been received. Those that were susceptible of investigation have been enquired into, and have been shown to be unfounded.

The honourable member has not mentioned any particular complaint and I am sure that he will agree that it would be most unfair to the officer concerned if details of all the complaints made against him were published especially when they have not been substantiated or have been proved to be unfounded. The honourable member's attention is, however, invited to the reply given to Council question No. *3491¹ of 1984 in connection with the subject of which various complaints were made against the officer in question. Investigation by the Police and Deputy Commissioner proved the allegations to be unfounded.

ADMISSIONS IN deMONTMORENCY COLLEGE, SHAHPUR.

***3930-A. Raja Muhammad Sarfraz Ali Khan :** Will the Honourable Minister for Education be pleased to state—

- (a) how many students out of those who failed in the last Intermediate Examination from deMontmorency College, Shahpur, were re-admitted in the II year class in the same institution ;
- (b) whether there are any instances when the students applied for re admission and were refused ; if so, on what grounds ;
- (c) whether the Principal of the Shahpur College was influenced by political considerations in admitting students ;
- (d) whether Government is aware of the fact (i) that some students were admitted in the College even after the usual time for admission was over, and (ii) that another student was refused admission, if so, the reasons therefor ?

The Honourable Malik Sir Firoz Khan Noon : (a) Nine.

(b) Yes. Three students were refused admission, two for failing twice from the college and the third, because he was sent up for the examination only on the condition that admission would be refused in case of failure.

(c) No.

(d) (i) No.

(ii) Does not arise.

¹See Appendix.

IMPERIAL CHEMICAL INDUSTRIES.

Shaikh Muhammad Sadiq : Will the Honourable Revenue Member be pleased to state—

(a) whether in considering the applications of the Imperial Chemical Industries Government have taken into consideration the recommendation of the Tariff Board to protect the heavy chemical industry in India and whether they are perfectly satisfied that in granting the lease to the Imperial Chemical Industries, the interest of the indigenous chemical industry will not be affected in any way ;

(b) whether they are prepared to accept conditions and recommendations laid down by the Fiscal Commission and External Capital Committee and whether in granting any concession to the Imperial Chemical Industries, they are not going away from the policy recommended by the Fiscal Commission as the sole guiding principle in fiscal matters ;

(c) whether in granting concession to the Imperial Chemical Industries they will lay down conditions precedent that the Company will issue rupee capital in India and have majority of Indian directors in the Board for management of the Company in India ;

(d) whether they have ascertained that the so-called waste minerals for which concession is being granted are really waste products and have no economic value and whether Government consulted any experts and took their advice and opinion on the point to find if better terms might be offered in open market ;

(e) whether the concession applied for is on private lands or Government property ; if it is on private lands, whether Government have brought pressure and influence on the tenants to part with these lands?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) In dealing with the application of the Imperial Chemical Industries for a lease, the local Government did not pay special regard to the protection of the heavy chemical industry in India. They do not understand how the question of tariff protection is relevant to the case.

(b) I would refer the honourable member to paragraph 80 of the report of the External Capital Committee, which was expressly taken into consideration in connection with the lease. The local Government are satisfied that the arrangements made are likely to be of great benefit to the province.

(c) As the agreement in question has already been signed on behalf of the Punjab Government, the question of imposing further conditions does not arise. I may, however, add that the Company is registered under the Indian Companies Act and has one Indian Director.

(d) The Punjab Government have not entered into agreement regarding any waste mineral.

(e) The agreement has reference to Government as well as private lands. In regard to private lands Government have undertaken to apply, if necessary, chapters VI and VII of the Land Acquisition Act in certain specified areas, provided they are satisfied that such action will not inflict unreasonable hardship on the owners and tenants concerned.

UNSTARRED QUESTION AND ANSWER.

GRIEVANCES OF THE SUBORDINATE EDUCATIONAL SERVICE.

1054. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education kindly state—

- (a) whether it is a fact that the Punjab Subordinate Educational Service Association submitted in January 1932, a memorandum dealing with the main grievances of the Subordinate Educational Service; if so, what action has so far been taken on it;
- (b) whether it is a fact that the Punjab Subordinate Educational Service Association has denounced the present system of promotion and has requested the Department to frame definite rules of promotion and whether any rules have been made;
- (c) whether he will refer to the observations made on page 1 of the Memorandum of the Association and state if it is a fact that at the present rate of promotion in the Subordinate Educational Services a teacher has on an average to wait for about 12 years to secure the next grade;
- (d) what relief has been afforded to the Subordinate Educational Service since 1924 when a resolution on time scale for Subordinate Educational Services was moved by Professor Ruchi Ram Sahni;
- (e) whether it is a fact that the real increase in pay arising out of the general revision of grades of all services in 1920-21, in the Provincial Educational Service was 76 per cent. while in the Subordinate Educational Service it was 37 per cent. only;
- (f) what grades were proposed by the non-official members of the Education Committee of the Council to which the question of time scale was referred in 1924;
- (g) whether Government is aware that there is a general discontent among the teachers in the Subordinate Educational Service owing to the absence of any progressive time scale; if so, what steps Government proposes to take to redress the grievances of the Subordinate Educational Service;
- (h) the figures relating to Anglo-Vernacular and Vernacular Sections of the Subordinate Educational Service, separately for the last 2 years together with the total number of posts in each grade in respect of the following :—
 - (i) Number of promotions from Rs. 140—10—190 grade.
 - (ii) Number of promotions from Rs. 110—5—135 grade.
 - (iii) Number of promotions from Rs. 80—4—100 grade.
 - (iv) Number of promotions from Rs. 55—3—70 grade.
 - (v) Number of promotions from Rs. 35—3—50 grade.
- (i) whether it is a fact that the Government has created some scholarships for the sons of members of all Provincial Services; if so, what share is to go to the Subordinate Educational Service?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes. The general question of promotions in the anglo-vernacular section is under consideration of the Department.

(b) The Secretary of the Association has expressed satisfaction with the last batch of promotions in Rs. 80—4—100 and Rs. 110—5—135 grades of the anglo-vernacular section of the Subordinate Educational Service. The Association, however, does not appear to be satisfied with promotions in the two higher grades, which are largely made by selection. As regards rules of promotion the honourable member is referred to the reply to Council question no. *2825.¹

(c) Promotion is no doubt slow in the Department though it is not true that a teacher has on an average to wait for about 12 years to secure the next grade.

(d) The number of posts in the higher grades of the Subordinate Educational Service, Anglo-vernacular section was increased to permit flow of promotion.

(e) Yes.

(f) Selection grade	..	..	Rs. 200—10—300.
Senior teachers	..	..	Rs. 100—6—190.
Junior Anglo-Vernacular teachers	..	..	Rs. 55—3—100.

(g) Government is not aware of any such discontent though it is true that promotion is rather slow under the existing system, but the honourable member must realise that if Government changed the present system and introduced a time scale such a course would prove very expensive. The finances of the Punjab can hardly bear extra expenditure at the present moment. Certain district boards introduced a time scale but they are finding it very difficult to meet the annually increasing charge on this account. With this experiment in view the Punjab Government will be very reluctant to introduce the time scale for Subordinate Educational Service.

(h) Number of posts in the Subordinate Educational Service on 30th October 1934—

<i>Anglo-vernacular.</i>			<i>Classical and Vernacular.</i>		
	100			10	
	228			40	
	817			126	
	262			409	
	224			429	
<i>Number of promotions made in the Subordinate Educational Service, Anglo-Vernacular Section, during the last two years.</i>			<i>Number of promotions made in the Subordinate Educational Service, Classical and Vernacular Section, during the last two years.</i>		
Class I	..	..	..	..	..
Class II	..	..	4	3	..
Class III	..	..	10	9	..
Class IV	..	..	24	18	..
Class V	..	..	58	47	..

[Hon. Sir Firoz Khan Noon.]

(i) Yes. A few scholarships have been created for the sons of members of all the provincial services, who die before retirement. No such scholarships have been created for sons of members of subordinate services.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

Mr. President : The Council will now proceed to consider the Punjab Relief of Indebtedness Bill as reported by the select committee. The amendments to clauses will be taken up after the new clauses are disposed of.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadan, Rural) : Sir, I beg to move—

That at the end of clause 4 the following be added as a sub-clause :—

“ The following be added as further proviso to the section :—

‘ Provided that all property belonging to a debtor and exempt from attachment or sale in execution of a decree shall be excluded from his assets, and agricultural land, in all cases in which it is not so exempt, shall be valued at thirty times the land revenue assessed thereon.’ ”

Rai Bahadur Mr. P. Mukerjee : Sir, I rise to a point of order. I have given notice of an amendment urging the deletion of clause 4. If, fortunately, that amendment is adopted, the present amendment will automatically fall through and there will be no point in moving it at this stage.

Mr. President : An amendment to delete a clause is not an amendment of the clause.

Rai Bahadur Mr. P. Mukerjee : My contention is that if my amendment as it stands on the order paper is accepted by the House, I do not understand how there can be a new proviso to a clause which will not exist.

Mr. President : The honourable member's motion is to omit clause 4, while the proviso is a new clause. As new clauses have to be taken up before the clauses as reported by the select committee, the honourable member's amendment will be taken up when, after the disposal of new clauses, the Bill is considered clause by clause. I do not think that the deletion of clause 4 can be taken up at this stage. If the new clauses have to be dealt with before the consideration of clauses, the course is clear. But if the new clauses have to be taken up after the disposal of clauses, the honourable member's amendment will certainly get priority.

Rai Bahadur Mr. P. Mukerjee : There is another point of order. If we take up clause 4 first and dispose it of, does it not mean that it will be taken for granted that the previous clauses are passed ?

Mr. President : No. After the disposal of new clauses the Bill as reported by the select committee will be taken up from the beginning.

Mr. Mukand Lal Puri : Would it not be better if we take up the Bill from the very beginning and take it clause by clause ? Those clauses which are not objected to may be passed without discussion and those clauses for which notice of amendments are given and the new clauses may be discussed as they occur on the agenda.

Mr. President : Does the honourable member mean that clauses must be taken up first and new clauses afterwards ?

Mr. Mukand Lal Puri : Yes.

Mr. President : When the proviso, which is the first on the list of new clauses, is brought under discussion, the honourable Mr. Mukerjee will be welcome to argue that clause 4 be deleted. And if, after hearing his arguments, the House decides to accept the proviso, the inference will be that the Council is not in favour of the omission of clause 4. At any rate, whether the proviso is accepted or rejected by the House, the honourable Mr. Mukerjee will get an opportunity to move deletion of the original clause when new clauses are disposed of and original clauses are taken up.

Mr. Mukand Lal Puri : Before we discuss the merits of a proviso we ought to know to what it is a proviso. The real effect of the proviso cannot be understood unless we know what the substantive proposal is.

Mr. President : The original proposal is clause 4 of the Bill.

Mr. Mukand Lal Puri : Suppose the original clause is amended or is deleted, then what would happen to the proviso?

Mr. President : I have tried to explain. If, despite the arguments which the honourable member, Mr. Mukerjee, may advance in favour of the deletion of the clause, the House decides to pass the proviso, the inference shall be that the House has impliedly agreed to the retention of the clause.

Mr. Mukand Lal Puri : Notices of amendments have been given by the various members of the House to the original clauses also. Should not the original clause be settled first before we decide what the proviso should be?

Mr. President : The point is whether the subject matter of the proviso is that of a new clause.

Mr. Mukand Lal Puri : I think in this case it is a new clause because it extends the scope of the original clause by putting in a proviso.

Mr. President : That is the reason why it is a new clause.

Mr. Mukand Lal Puri : The effect of the proviso is to vary the terms of the original clause.

Mr. Muhammad Din Malak : If the proviso is passed and the original clause is deleted, what would happen?

Mr. President : Then the proviso also might go if standing alone it is defective, meaningless or inconsistent with other provisions.

Mr. Mukand Lal Puri : Is there anything in our rules and standing orders about this?

Mr. President : No. But where our rules and standing orders are not inconsistent with parliamentary practice or where they are silent, parliamentary practice may be followed.

Mr. Mukand Lal Puri : Sir, I must bow to your ruling whatever it is. But I certainly object to parliamentary practice being invoked one day and discarded on another day.

Mr. President : Order, order. Will the honourable member make himself clear? This is a charge which I did not expect from the honourable member.

Mr. Mukand Lal Puri : I do not want to make any charge against you or any member of the House. But I merely wish to remind the House of what happened the other day on my motion to circulate the Bill for eliciting public opinion. You would remember that it was decided not to follow the parliamentary practice on that occasion.

Mr. President : There was no such decision so far as I can recollect.

Mr. Mukand Lal Puri : It was put to the vote of the House.

Mr. President : Yes. And even according to parliamentary practice it ought to have been put to the vote of the House.

Mr. Mukand Lal Puri : Would you now put it to the House whether parliamentary practice should be followed in the present case?

Mr. President : I did not put it before and I do not propose to put it to-day, unless necessary.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** May I say a few words with regard to the point raised by Mr. Mukerjee? Logically speaking the deletion motion ought to be taken up first because if that motion is carried, then my proviso and all the numerous amendments notices of which have been given will drop automatically. If the deletion motion is defeated it will then be time to take up those amendments and my proviso.

Mr. President : If the proviso is not a new clause, it may be discussed when the original clause is taken up.

Mr. Mukand Lal Puri : It is not a new clause. But, would you decide the question whether it is a new clause or not or would you leave it to the House? I think it is for you to decide.

Mr. President : Yes. But I shall be delighted to follow the procedure which the honourable members of the House consider convenient.

The Honourable Dr. Gokul Chand Narang : I think it will be better to take the Bill clause by clause. Before the clause is disposed of and before you even take up the amendments to the body of that clause as contained in the Bill, you may dispose of the new clause relating to it or additions to that particular clause. Take for instance, clause 1, there is nothing in connection with it. There is nothing with regard to clause 2 and there is a small amendment with respect to clause 3 and it is to the body of the clause. Then we come to clause 4. It is here that the question arises. Before we actually deal with this clause, the amendment of Mr. Mukerjee for the deletion may be discussed and if that is passed, then no question arises at all. But if that amendment is not passed, then before we consider the amendments to the body of clause 4, we can consider the additions suggested. The same procedure can be followed with respect to each of the other clauses. You can first take up the additions proposed and then the amendments proposed to a particular clause. By adopting this practice, I do not think we will be going against either our rules and standing orders or the parliamentary practice. I suggest that you will first call upon Mr. Mukerjee to move the deletion of clauses 3 and 4. For if that is passed there is no question of the addition of the proviso.

Mr. President : And if the deletion is not carried?

The Honourable Dr. Gokul Chand Narang : Then deal with the addition of the proviso first, because that is a new clause.

Mr. President : Does the Honourable Minister suggest that the question whether clause 4 should be deleted or not should be disposed of first ?

The Honourable Dr. Gokul Chand Narang : Yes, because deletion means negation and afterwards no proviso or amendment can be moved.

Mr. President : Suppose the deletion is rejected and the proviso is moved. Then members who had spoken to the deletion may speak again to the proviso and thus have two speeches.

The Honourable Dr. Gokul Chand Narang : But that happens even now. First a member speaks to the motion whether the clause should be deleted or not and when it is disposed of in favour of the retention of the clause, then he speaks in favour of the proviso and thus makes two speeches.

Mr. President : No, I allow them the right of making two speeches because I treat the proviso as a new clause. They can first speak to the proviso and then to the clause.

The Honourable Dr. Gokul Chand Narang : There are two speeches anyhow.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : May I suggest that we follow our past practice ?

Mr. President : In the case of a Bill, which emerges from a select committee, our practice is to take up new clauses first. But if the House agrees to the proposed procedure I have no objection. Perhaps in view of the fact that the Bill to be considered is of an exceptional importance and a very large number of new clauses and other amendments have been received, it will be convenient to take up the original clauses with correlative new clauses and verbal amendments together.

Question is—

That sub-clause (2) of clause 1 stand part of the Bill.

The motion was carried.

Mr. President : Question is—

That sub-clause (3) of clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Mr. President : Question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

Mr. President : Question is—

That clause 3 stand part of the Bill.

Rai Bahadur Mr. P. Mukerjee (Punjab Chamber of Commerce and Trades Association, Commerce) : Will you permit me to take up both the clauses 3 and 4 together, because my arguments will be the same for both of them ?

Mr. Manohar Lal : In what sense can deletion of clauses be called amendments ?

Mr. President : I called clause 3 by its number and as no amendment was offered I proposed the question "that this clause stand part of the Bill." At this stage it is open to any member to urge that the clause be omitted or deleted.

Mr. Manohar Lal : It is not a formal amendment to say that I oppose it.

Mr. President : There is no objection to the deletion of a clause being moved formally. In that case it will be an amendment to the Bill.

Mr. J. D. Anderson (Legal Remembrancer) : I move—

That in clause 3 after the figures and brackets 10 (1), the words 'of the Provincial Insolvency Act, 1920' shall be inserted.

The motion was carried.

Rai Bahadur Mr. P. Mukerjee : Sir, the amendments for the deletion of clauses 3 and 4 standing in my name are the result of the discussion that the Punjab Chamber of Commerce had with the Northern India Chamber of Commerce in considering the various provisions of the Bill. So far as the present amendment is concerned the note of dissent of the minority in the select committee clears the position. What the mercantile community feel about the insolvency procedure is that it lends itself very largely to the devices of dishonest debtors and the experience of lawyers of standing and of long practice is that the fraudulent debtors try to take the greatest advantage of these provisions. The considered opinion of my constituency is that the Provincial Insolvency Act requires radical changes and they have been pressing the Government for it for a considerable time. In the circumstances no further relaxation of the Act which clauses 3 and 4 of this Bill contemplate is desirable and it is, therefore, that I oppose them.

Mr. President : Question is—

That clause 3 as amended stand part of the Bill.

The motion was carried.

Clause 4.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan Rural) : Sir, I beg to move—

That in clause 4 for the words 'fifteen hundred' the words 'three thousand' be substituted.

The object which I have in view in moving this amendment is that if the figure that has been adopted in the select committee report is adhered to, then a very large number of those debtors who deserve relief will be excluded. The present proposal is that the benefit of this clause should be given only to those the value of whose property does not exceed Rs. 1,500. I propose that in place of Rs. 1,500, Rs. 3,000 should be substituted in order that the scope of this clause may be enlarged and those who stand in need of relief should be able to claim relief. If we stick to the present figure the result will be that a very large number of debtors—and small debtors—will be excluded from the scope of this clause. Just take the instance of a landowner who owns say ten acres of land. The present figure will

rule him out. If the value of land per acre be taken as Rs. 200 then the result will be that a man who owns more than $7\frac{1}{2}$ acres will be excluded from the benefit of this clause. If the value of an acre be taken as Rs. 250 then an owner of more than six acres of land would be excluded from the benefit of this section. Nobody can deny that an owner of six or seven or ten acres of land is certainly a small owner and if there is anybody who deserves relief being given under this Bill it is the man with a small holding. Therefore, the necessity of amending the present clause as it stands in the direction which I have indicated is very real in order to meet the object of this Bill in respect of small landholders.

Mr. President : Clause under consideration, amendment moved—

That in clause 4 for the words "fifteen hundred" the words "three thousand" be substituted.

Mr. Mukand Lal Puri (Punjab Industries) : My amendment reads :—

That in clause 4 for the words "fifteen hundred" the words "one thousand" be substituted.

Section 74 of the Provincial Insolvency Act of which the original clause is an amendment provides a simplified procedure for insolvency. The special provisions of section 74 apply to all cases where summary procedure in insolvency is permissible. Under section 74, no notice of an application for insolvency need be published in the official gazette, no official receiver is appointed but the court itself acts as a receiver, a discharge should be applied for within six months and the insolvent must be discharged within that period, and further the assets of the insolvent must be distributed in one dividend. Section 74 is purely optional and it confers a discretion upon a court to proceed in a summary manner or not as it considers expedient. I wish the House to take note of the fact that by merely increasing the value of the property you cannot make a court do what in fact may be impossible. All the other provinces are agreed that summary jurisdiction in insolvency should not be resorted to except in cases where the assets of the insolvent do not exceed Rs. 500, where as a matter of fact a court would be able to dispose of the case in say a couple of hearings. If, however, the value of the property is increased to such a limit that it is absolutely necessary to appoint a receiver, that it would be impossible that the assets could be distributed in one dividend, that further prolonged proceedings have to be taken which for instance necessitate the setting aside of fraudulent transfers, then this summary procedure cannot be *ex-necessitate* applied. Therefore it is necessary that if an experiment is to be made in the Punjab to increase the jurisdiction of insolvency courts with respect to summary procedure, we should move cautiously so that this summary procedure may have a trial. If your object is not to give it a trial you may put the jurisdiction at any limit you like. It was with this object that the Calvert Committee recommended that this jurisdiction might be extended from Rs. 500 to Rs. 1,000. That is my chief reason for insisting upon one thousand as the limit. In my opinion that value would give a fair trial to the summary procedure in insolvency proceedings. With these words I oppose the amendment of Rao Bahadur Chaudhri Chhotu Ram and propose the amendment which stands in my name.

Mr. President : Clause under consideration, amendment moved—

That in clause 4 for the words "fifteen hundred" the words "one thousand" be substituted.

The Honourable Mr. D. J. Boyd (Finance Member): The original proposal of Government was that the value of property mentioned in section 74 of the Provincial Insolvency Act should be amended so as to make it Rs. 1,000 only. The select committee increased that sum to Rs. 1,500. I think we may fairly take the price of land at what the leader of the Unionist Party has put it namely Rs. 200 an acre. That I fancy is more the ordinary price of an acre of irrigated than that of an acre of unirrigated land. At that rate Rs. 1,500 would be the value of $7\frac{1}{2}$ acres and I admit that that is distinctly a small holding. At the same time to double it and bring it to Rs. 3,000 is a very long step indeed, the present sum under section 74 of the Provincial Insolvency Act being Rs. 500. If the party opposite find their way to accept Rs. 2,000, Government would be ready to accept that figure.

✓ **Rao Bahadur Chaudhri Chhotu Ram**: We are prepared to accept the compromise.

Khan Bahadur Sardar Habib Ullah (Lahore, Muhammadan, Rural): If you will allow me to move it formally, I shall move—

That in clause 4 for the words "fifteen hundred" the words "two thousand" be substituted.

Mr. President: The question is—

That in clause 4 for the words "fifteen hundred" the words "two thousand" be substituted.

The motion was carried.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadan, Rural): I beg to move—

That at the end of clause 4 the following be added as a sub-clause:—

"The following be added as further proviso to the section:—

'Provided that all property belonging to a debtor and exempt from attachment or sale in execution of a decree shall be excluded from his assets, and agricultural land, in all cases in which it is not so exempt, shall be valued at thirty times the land revenue assessed thereon.'

This proviso divides itself into two portions. The first portion relates to the exclusion from his assets of that part of the property of a debtor which is exempt from attachment or sale in execution of a decree. The second portion relates to the method which should be adopted for the valuation of agricultural land which belongs to a debtor. With regard to the first portion of the proviso I beg to submit that when a man comes before a court and applies to be declared an insolvent it is not reasonable that those parts of his property which, under the law as it stands, are exempt from attachment or sale in execution of a decree should be considered as his assets. After all, if a creditor were to go to a civil court and obtain a decree against a debtor and then seek the execution of that decree there are certain items of the property of a judgment-debtor which would be immune from attachment or sale or from both. Why should that man be deprived of his right of being declared an insolvent on account of property which is not liable to attachment or sale in execution of a decree? Therefore, the proviso aims at the exclusion of this particular class of property from the assets of one who applies for being declared an insolvent.

The second portion of the proviso relates to a method of calculating the value of land which belongs to the petitioner. As

the clause stands at present it leaves everything to the court. There is no definite standard laid down in the present clause as to the manner in which the value of a petitioner's land is to be judged. Wherever the law can be made definite and precise an attempt should be made to make it definite and precise. In some cases the presiding officer may adopt a standard of Rs. 300 per acre. Another officer may adopt a standard value of Rs. 200 per acre and a third may adopt Rs. 250 per acre. In the absence of a definite standard in one court the standard adopted may be 300 times the land revenue; in another court it may be 200 times the land revenue and in yet another court it may drop down to 100 times the land revenue assessed on the land in question. This may happen not only in different parts of the province or in different parts of the same district or in respect of different qualities of land, but this may very frequently happen in respect of the same part of the province, or in respect of the same part of the district or in respect of the same class of land. Therefore, it is only reasonable that courts should be supplied by the law itself with some sort of a definite standard. Even as things are at present a definite standard is already in vogue in respect of another important matter. In calculating the value of land for purposes of jurisdiction we are definitely required by the law to value agricultural land at thirty times the land revenue. Therefore, I am not putting forward an unreasonable proposition when I say that whenever it is necessary to calculate the value of land belonging to a petitioner for insolvency the standard adopted for valuing that land should be thirty times the land revenue. With these remarks I commend this proviso to the favourable consideration of the House.

Mr. President : The new clause moved is—

The following be added as further proviso to the section :

‘ Provided that all property belonging to a debtor and exempt from attachment or sale in execution of a decree shall be excluded from his assets, and agricultural land, in all cases in which it is not so exempt, shall be valued at thirty times the land revenue assessed thereon.’

Chaudhri Allah Dad Khan (Ambala division North-East, Muhammadan, Rural): Sir, I rise to support the motion under consideration. As there is no fixed standard at present in our estimating the value of land, it will be very safe to put down a certain fixed standard, for in that case it will lead to uniformity of practice in all courts and will act as a deterrent against each court having its own discretion. Besides, this standard has been tried and found to be exact. Government has based jurisdiction of courts on this very estimate. In all civil suits whenever the question of jurisdiction comes the value is always put down at thirty times the land revenue. That shows that it is very exact, and I think it is very reasonable that this standard should be adopted now. The opposition to this Bill is that this amendment of the Insolvency Act will bring in a greater number of people within its scope than at present. This estimate is after all a modest one and is much lower than if the price is based on the actual market value of the land. For this reason I think there will be no opposition to the second part of the motion. As regards the first part of the motion the honourable member has said enough and I do not want to supplement his remarks, but I should advise him that if any opposition is shown to the first part it may be dropped and the second part should be allowed to be passed

[Chaudhri Allah Dad Khan.]

as it will be useful not only to the honourable members who are supporting the Bill but to those who are opposing it. I commend the second part of the motion to the consideration of the House and submit that it may be passed.

The Honourable Mr. D. J. Boyd (Finance Member): We have already extended the scope of the Provincial Insolvency Act by the amendment which Government has just accepted by raising the value of property from Rs. 1,500 to Rs. 2,000. I am afraid Government cannot go further and extend the scope of the Bill by accepting the amendment which has just been moved. There are obvious objections I think to the amendment. The first is that in considering what property should be included in judging a debtor's assets surely we should look to the property which really is an asset. Now, it is true that land belonging to a member of an agricultural tribe cannot be sold in execution of a decree, but there is not the slightest doubt that the owner of land even if he is a member of an agricultural tribe can sell that land to another member of an agricultural tribe in the same group. There is no prohibition against doing that. The land, therefore, should be considered as part of his assets. He can raise money on it within the limits of the Land Alienation Act and it would be a purely artificial move to exclude land from the assets of a debtor merely because it cannot be sold in execution of a decree. There is another matter. It must be remembered that a creditor is not necessarily always a person who is not a member of an agricultural tribe. There are many money-lenders now-a-days who are members of agricultural tribes and a creditor of that description will be able to acquire the land of his debtor. I think it would be very illogical to exclude such land from the assets in connection with an application for insolvency proceedings.

With regard to the valuation of land there is a certain amount of attractiveness in the proposal that we should reach certainty by valuing the land at so many times the land revenue. The last speaker I understand said that the fact that it is valued for purposes of court fees at thirty times the land revenue shows that Government thought that that was the real value of the land. What it actually does show is that Government is exceedingly soft, because the actual value of land just now is 108 times the land revenue. I am taking the figures which the Leader of the Unionist Party gave us as the value of an acre of land—Rs. 200. The land revenue per acre is Re. 1-13-5. If you divide 200 by Re. 1-13-5, you get 108. To value land which is really worth about 100 times the land revenue at 30 is clearly absurd. I do not think Government can accept that.

Mr. President: The question is—

That at the end of clause 4 the following be added as a sub-clause:—

“That the following be added as a further proviso to the section:—

‘Provided that all property belonging to a debtor and exempt from attachment or sale in execution of a decree shall be excluded from his assets, and agricultural land, in all cases in which it is not so exempt, shall be valued at thirty times the land revenue assessed thereon.’”

The motion was lost.

Mr. President: The question is—

That clause 4 as amended stand part of the Bill.

The motion was carried.

Clause 5.

The Honourable Mr. D. J. Boyd (Finance Member): Sir, I move—

“That sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5 be omitted, and in their place the following be substituted:—

‘The court shall deem interest to be excessive if on loans advanced on the security of immovable property or pledge of movable property it exceeds ten per centum per annum simple interest or seven per centum per annum compound interest with annual rests, and if on other loans it exceeds eighteen and three-quarter per centum per annum simple interest or fourteen per centum per annum compound interest with annual rests.’”

There are notices of several amendments to delete sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5, and I need hardly say anything in support of that proviso. The effect of course will be that the clause “Provided that the courts shall deem——” will be deleted.

With regard to the actual rates of interest proposed by Government as I said when the Bill was first introduced, Government was not wedded to any particular rates and it has only been by a process of what I might call “feeling about” that we have come to the rates which at present have been fixed. I think I may reserve anything else I may have to say till the debate has proceeded further.

Mr. President: Motion moved—

“That sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5 be omitted, and in their place the following be substituted:—

‘The court shall deem interest to be excessive if on loans advanced on the security of immovable property or pledge of movable property it exceeds ten per centum per annum simple interest or seven per centum per annum compound interest with annual rests, and if on other loans it exceeds eighteen and three-quarter per centum per annum simple interest or fourteen per centum per annum compound interest with annual rests.’”

Several gentlemen have given notice of almost identical or similar amendments or amendments which deal with different aspects of this amendment. All these amendments will be discussed together and voted upon separately, if necessary.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders General): My amendment only proposes to restore the rate of interest which was originally fixed in the Bill but which was objected to by the representatives of agriculturists. Since then some negotiations had been going on which I described as “objectionable” and my meaning was—

The Honourable Mr. D. J. Boyd: On a point of order. I expressly explained to the House very carefully just as the Leader of the Unionist Party did that the only negotiations that had gone on between Government and the Unionist Party were those that I explained at the beginning of this debate. I explained that fully and I think my word ought to be accepted.

Diwan Bahadur Raja Narendra Nath: It is in view of the fact that it was because of the extreme demands made by the rural party that these concessions were made that I use the word objectionable. I say that this sort of procedure puts a premium on extremism and discourages moderation in our demands. That is why I call that negotiation objectionable. The rate of interest that has now been proposed by Government is lower than the rate of interest which has been accepted in Bengal and which is even proposed in the United Provinces. I need not remind the House

[D. B. Raja Narendra Nath.]

that the agriculturist in the Punjab already enjoys an ample degree of protection and the lowering of the rate of interest to the extent to which the Government has now come down will materially affect the agriculturists' credit and will be injurious to their interest as well as to the interest of the people in general. This amendment is not confined to agriculturists alone. It applies to the whole of the lending and borrowing public. I say nothing as to the proviso because I have no objection to it as proposed by the Government. I confine my objection only to the rate of interest. I think the rate of interest proposed by the Government is too low and is lower than even what was proposed in the original Bill. As one of my friends pointed out the other day the Government has not given to the measure that amount of thought that it deserves, so much so that sometimes it comes forward with one proposal and then changes that proposal later in order to meet the demands of our rural friends. What has happened in the Council to-day? The Government has accepted the amendment of the learned representative of the rural party and raised the amount from Rs. 1,500 to Rs. 2,000 in respect of the value of property (*Interruption.*) In any case the Government has met the demands of the rural party. We are, therefore, condemned for our moderation. I think the rate of interest proposed might have been higher. With these words I move—

That for sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5, the following be substituted :—

“ The court shall deem interest to be excessive if on loans advanced on the security of immovable property or pledge of movable property it exceeds 12 per cent. compound interest with annual rests or 15 per cent. simple interest, and if on other loans it exceeds 18 per cent. compound interest with annual rests or 24 per cent. simple interest.”

Mr. President : Clause under consideration, amendment moved—

That for sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5, the following be substituted :—

“ The court shall deem interest to be excessive if on loans advanced on the security of immovable property or pledge of movable property it exceeds 12 per cent. compound interest with annual rests or 15 per cent. simple interest, and if on other loans it exceeds 18 per cent. compound interest with annual rests or 24 per cent. simple interest.”

Mian Nurullah (Lyallpur South, Muhammanadan, Rural) : Before I move my amendment I would like to refer to what Raja Sahib has just now said that Government in their original Bill had put rates different from what they have now put. After considering all the rates proposed I have come to the conclusion that the rates proposed by Government are very moderate, and if anything, rather high. I had the pleasure, a couple of days ago, to meet one of our very eminent bankers—eminent because of his life-long experience and recent position as chairman of a certain committee—who is well-known throughout India—I refer to Sir S. N. Poochkhanawala, the Managing Director of the Central Bank of India. The other day Mr. Mukand Lal, Puri, remarked that no bank would lend on mortgage of movable or immovable property a loan at anything less than 9 per cent.

Mr. Mukand Lal Puri : I said immovable property. I have got with me the letters from the Lloyds Bank and the Central Bank of India.

Mian Nurullah : Then I will restrict myself only to immovable property. I can say that at Lyallpur and Jaranwala many customers have

come to the Bank and mortgaged their houses and secured loans at 8½ per cent. As regards movable property, the rates fixed by Government under this Bill is 10 per centum. Sir Poochkhanawala was surprised to learn that the rates were fixed so high and he offered to lend at a lower rate of interest, at 3 per cent. I can, therefore, challenge Mr. Puri to bring security of gold and I can get him any amount of loan, 10 or 20 lakhs at 3 per cent. That is as regards movable property. Further Sir Poochkhanawala was astonished at the rate of 18½ per cent. where there was no security. On that basis even my amendment supporting the Government rates is very fair, very modest and reasonable. I want to add the proviso—

Provided further that where rests short of yearly rests are fixed these rates will be reduced by one per centum each.

When I gave notice of my amendment the Government had not put in the words 'annual rests'. It is as a safeguard that annual rests should be enforced. If the annual rests are not enforced, then three-monthly or six-monthly rests would mean higher rate of interest than is actually proposed in the Bill. Having discussed the matter with the eminent banker I consider it to be fair to make a difference of about one per cent. in each case. That is not reducing the rate very much. Therefore, I suggest that each rate be reduced by one per cent. in case the rests are less than yearly.

Mr. Mukand Lal Puri (Punjab Industries) : It is necessary to realise the import of the various proposals for change in the Usurious Loans Act which have been made by the Government. You will be pleased to notice, Sir, that before the recent attempts to amend the Usurious Loans Act, section 3 of the Act ran as follows :—

Notwithstanding anything in the Usury Laws Repeal Act, 1855, where, in any suit to which this Act applies, whether heard *ex-parte* or otherwise, the Court has reason to believe—

- (a) that the interest is excessive; and
- (b) that the transaction was, as between the parties thereto, substantially unfair, the Court may exercise all or any of the following powers, namely, may—
 - (i) re-open the transaction, take an account between the parties, and relieve the debtor of all liability in respect of any excessive interest,
 - (ii) notwithstanding any agreement, purporting to close previous dealings and to create a new obligation, re-open any account already taken between them and relieve the debtor of all liability in respect of any excessive interest, and if anything has been paid or allowed in account in respect of such liability, order the creditor to repay any sum which it considers to be repayable in respect thereof;
 - (iii) set aside either wholly or in part or revise or alter any security given or agreement made in respect of any loan, and if the creditor has parted with the security, order him to indemnify the debtor in such manner and to such extent as it may deem just.

Thus, before the Usurious Loans Act could be applied two conditions were necessary to be fulfilled, first that the rate of interest should be excessive and secondly that the contract between the parties should be unconscionable or unfair. Now by substituting the word "or" for the word "and" and the word "shall" for "may" the House has made it obligatory on courts to re-open the entire transaction from 1918 making the creditor even repay what has actually been paid to him, even if only one of the two conditions is fulfilled. The transaction may be perfectly fair between the parties, the transaction may not be unconscionable at all, but even if only the rate of interest is excessive the court will be bound to re-open the transaction and in some

[Mr. Mukand Lal Puri.]

cases make the creditor pay what he has realised from the debtor. If the amendments stopped here the courts could only act if they found the rate to be excessive, but the present amendments propose to lay down what the courts must regard as "excessive," howsoever, lower than the prevalent rates the interest charged may be. The effect of this change in the law is that the court has no discretion at all but is bound to re-open the transaction, even if the rate charged is such to which no reasonable man could take exception at the time when the loan was advanced. It is now proposed to artificially lay down that if the rate of interest exceeds a particular rate, it shall be deemed to be excessive. And these rates are proposed to be applied with retrospective effect. One of the Government amendments lays down that the rate of interest shall be deemed to be excessive if for secured loans it exceeds 7 per cent. compound interest. Now, who can say that 7 per cent. compound interest was excessive at the time when the Government itself borrowed at that rate, or would be regarded as excessive even to-day when the Bank rate is as low as $3\frac{1}{2}$ per cent. I wish the House to realise what the effect of the proposal of the Government is. Even if the rate of interest is not shown to be excessive, even if the rate of interest is such which every one including the debtor himself would regard as fair or even lenient, the courts are bound to declare it to be excessive, and on that basis re-open the past transactions, and make the creditor in certain cases repay to the debtor amounts which have been willingly paid to him in the past under a contract which was quite fair and perfectly reasonable. That is not fair. Again the effect of the substitution of the word "shall" for the word "may" has not been sufficiently recognized. Previously, even if both the conditions were satisfied, if the Court felt that the matter was too trivial and the debtor had really benefitted by the transaction, it was discretionary with the courts to take any action or not. Now, a statutory obligation has been laid on the court that even if the creditor has behaved most sympathetically and magnanimously, even if the court is satisfied that the debtor has immensely benefitted by the transaction, it must re-open the transaction, declare that the rate of interest is excessive and take action under the provisions of the Usurious Loans Act. Raja Narendra Nath has more than once said that the desire on our part, the desire on this part of the House to assist the Government in passing a reasonable legislation has prevented us from opposing the proposals of the Government. Therefore, when the proposals of Government to substitute the word "or" for the word "and" and the word "shall" for the word "may" came up before the House we did not raise any objection. We did not raise any objection to the proposal to re-open the accounts if the transaction was unconscionable or if the court found the interest to be excessive. But the further amendments laying down that courts shall hold such exceptionally low rates of interest to be "excessive" with retrospective effect entirely change the nature and complexion of the previous amendments substituting "or" and "shall" for "and" and "may". The present amendment makes the previous amendments also ridiculous and oppressive, which otherwise were not open to serious objection.

The present proposals do not lay down any standard of reasonableness, any test of excessiveness of interest, any measure of fairness or propriety. They lay down an arbitrary test, a most unjustifiable standard applicable to

all times, both to past and future transactions, and regardless of actual circumstances of the parties, of the time and of the place. I have no desire to go into a detailed criticism of the proposals of the Government beyond pointing out to the Government that after all the Punjab is not the one place in the world whose legislation should take a line entirely different from the line adopted by the rest of the world or even the sister provinces in British India. No one, much less the Finance Member, would deny that this subject of fixing rates of interest is a difficult one, as Sir Edward Blunt in making his speech on this subject in the United Provinces Legislative Council remarked, that the matter before them was one of the most complex subjects which any legislature had ever dealt with. Its range whether in respect of transactions or persons was almost infinite and for any Government or human being to say once for all that what he held about the subject was correct would be to arrogate to himself the infallibility of the Almighty. Therefore, the Government, I hope, would not deny that the matter is not such which can be treated lightly. It is a matter which touches infinite number of people, which affects every village, every town, which affects industry, trade and commerce, which affects the relations existing between innumerable persons which may have continued happy and undisturbed for a very long number of years and which this legislation will surely upset. This is a matter not only of a difficult and complicated character but of a very far-reaching nature. Then again this is a legislation on a subject on which the best economic opinion and past experience of most countries is that attempts to regulate rates of interest by legislation have invariably failed. That is the opinion one finds expressed in most of the text books and also in the various reports which have recently been issued, and this is the conclusion which we the members of the Calvert Committee unanimously reached "that attempts to regulate rates of interest have not so far been successful". Therefore, Sir, this is a matter on which legislation should be passed, if at all, on some definite data. I submit, Sir, that every enquiry about rates of interest, which has been made by the Imperial Government or by the Punjab Government or by any other provincial Government, runs absolutely contrary to the present proposals of the Punjab Government. Now, the Punjab Government cannot say that it has not made any enquiries. It appointed the Calvert Committee *inter alia* to consider this matter. The Punjab Banking Enquiry Committee also reported on this matter. Is the Punjab Government unaware of their recommendations or the definite data on which they are based? Why run counter to those reports or their recommendations? It should be remembered that Usurious Loans Act is not merely a measure of relief for the agriculturists; it is a law which applies to the entire community and is a law which is directed against usury. Therefore, the main objection to which the Council ought to address itself is to propose the particular law with regard to usury for this province. The Calvert Committee unanimously recommended that a higher limit of rate of interest might be fixed beyond which all interest will be usurious and below which the courts should determine whether it is excessive or not. After all we did not arrive at that recommendation by a rule of thumb. It was the result of the study of literature which we were asked to study by the Punjab Government, the reports of the Punjab Banking Enquiry Committee, of the Royal Commission on Agriculture, and of the Labour Commission and a good deal of other literature on the subject, and we made our unanimous recommendations in the light of that study. Therefore, in those recommendations there was

[Mr. Mukand Lal Puri.]

one definite data for the Punjab Government to follow. But the Punjab Government has thought fit not to follow the unanimous report of its committee. Perhaps it thinks that although that recommendation of the committee was unanimous, the committee consisted of a pack of fools who did not know what they were talking about and, therefore, it does not care for their report. I submit, Sir, that if the unanimous recommendation of a committee like that has to be upset, it should be upset by further enquiry. On that committee there were three able members of the agricultural tribes, my friend Mian Nurullah, Khan Bahadur Sardar Habib Ullah and Sardar Sampuran Singh. They all signed that report and concurred with the official members and with us, who were in a minority, to make recommendations on this subject. Mr. Calvert, who had made a special study of the subject, who has read and written extensively on the subject, and who was a member of the Banking Enquiry Committee, and who was a great friend of the zamindars, was the President of the Committee along with our present Legal Remembrancer. We all agreed in recommending that if you want to amend an all-India enactment amend it on the lines of our report. The original proposals of the Government no doubt accepted parts of the Calvert Committee's recommendations regarding the fixing of the higher rate but they have absolutely gone counter to those recommendations with regard to rate. This report was published in 1933. It is not out of date and we spent about 8 months over this matter. Mian Nurullah was particularly keen in acquainting us with his views as an economist and we did all we could as an expert body with whatever expert knowledge we could claim.

Then again this matter came up before the Bengal Legislative Council and I will place before you the provisions of the Bengal Act, Act VII of 1933. This is a very recent legislation. Section 3 of the Bengal Money Lenders Act deals with this subject. It is provided there—

Where in any suit in respect of any money lent by a money-lender after the commencement of the Usurious Loans Act, 1918, it is found that the interest charged exceeds the rate of fifteen per cent. per annum in the case of a secured loan or twenty-five per cent. per annum in the case of an unsecured loan, or that there is a stipulation for rests at intervals of less than six months, the Court shall, until the contrary is proved, presume for the purpose of section 3 of the Usurious Loans Act, 1918, that the interest charged is excessive and that the transaction was harsh and unconscionable and was substantially unfair.

This is what has been enacted in Bengal. I am reading from the official copy of the Bengal Act, VII of 1933. Why don't you not adopt this, as your model for the Punjab? Again take the United Provinces. I read out to the House at the last meeting of the Council the opinions of Sir Edward Blunt, Mr. Mudde and other European members from their minute of dissent to the report of the select committee. I wish to place before the House to-day what has been passed by the United Provinces Legislative Council, only last week. The number of zamindar members of debtor classes was no less in the United Provinces Council than in the Punjab. But the Government showed greater stamina there, and did not yield to the threats of the representatives of the debtor classes, some of them, no doubt, debtors themselves as here. They could be no party to the spoliation of the minority even though a vast majority stood to gain by it. Chaudhri Chhotu Ram says, this legislation is not in the interests of the Hindus. Ninety per cent. of the Hindus are debtors.

But I wish to point out—(*Interruption*) Let me revert to the main theme. I say this is not a matter on which the Punjab Government, if it wishes to do the right thing, is without a precedent or proper guidance. It can refer, if it likes, to the United Provinces amendment which has been passed. It was moved by a member at the instance of the Government and it was accepted by the Government. It is to the following effect and I may mention that I have also given notice of an amendment to-day on this subject, in identical language, to enable the Government and the House to adopt the United Provinces Legislation on this subject :—

Provided that in the case of loans secured by a first mortgage the court shall deem the interest excessive if—

- (1) the rate exceeds 12 per cent. per annum, or
- (2) the amount of interest that might become due at any time exceeds the amount that would become due at that time if the rate were 12 per cent. per annum and the interval between rests were six months ;

Provided also that in the case of loans secured otherwise than by a first mortgage the court may, if it considers that the nature of the security warrants it, deem that the interest is not excessive even though the rate exceeds 12 per cent. per annum or the amount of interest that might become due at any time exceeds the amount that would become due at that time if the rate were 12 per cent. per annum and the interval between rests six months :

Provided also that in the case of unsecured loans the court shall, unless the contrary is proved, deem the interest excessive, if—

- (1) the rate exceeds 24 per cent. per annum, or
- (2) the amount of interest that might become due at any time exceeds the amount that would become due at that time if the rate were 24 per cent. per annum and the interval between rests were six months :

Provided also that in the case of secured loans the court shall not deem the interest excessive, if—

- (1) the rate does not exceed 7 per cent. per annum, and
- (2) the amount of interest that might become due at any time does not exceed the amount that would become due at that time if the rate were 7 per cent. per annum and the interval between rests were six months :

Provided also that in the case of unsecured loans the court shall not deem the interest excessive, if —

- (1) the rate does not exceed 9 per cent. per annum, and
- (2) the amount of interest that might become due at any time does not exceed the amount that would become due at that time if the rate were 9 per cent. per annum and the interval between rests were six months.

Now, Sir, the provisions of the United Provinces Bill which have now been accepted by the House are that the outside limit for secured loans is 12 per cent. compound interest with six-monthly rests, for unsecured loans 24 per cent. compound interest with six-monthly rests and it is further provided that interest on secured loans below 7 per cent. shall not be considered excessive and interest on unsecured loans below 9 per cent. compound interest shall not be considered excessive. They have maintained on the lines of the original proposals of the Punjab Government the two limits, one the lower limit below which interest shall not be considered to be excessive and the other the higher limit beyond which interest shall be considered excessive, and between the two limits discretion is given to the courts of law to hold interest excessive or otherwise. The amendments of which the Punjab Government have now given notice do not have any lower limit at all. What they propose is that in case of secured loans more than 7 per cent. compound interest shall be considered excessive, but below 7 per cent. it is still open to the courts to

[Mr. Mukand Lal Puri.]

hold that interest is excessive. It will be open to courts in the Punjab to hold for instance that 6 per cent. compound interest or 5 per cent. compound interest as excessive. What has been accepted by the United Provinces Legislature is certainly more in consonance with facts than the amendment of the Punjab Government, and there is no reason why the Punjab Government, if it wants to discard the report of its own committee, should not accept these proposals. Then, Sir, apart from that, the Punjab Government's own original proposals are given in clause 5 of the Bill and, the amendment which stands in the name of Punjab Government now, is absolutely at variance with its original proposal. In clause 5 of the original Bill it was provided—

Provided further, that the court shall deem interest to be excessive, if, on loans advanced on the security of immovable property or pledge of movable property it exceeds 12 per cent. compound interest with annual rests or 15 per cent. simple interest, and, if on other loans, it exceeds 18 per cent. compound interest with annual rests or 24 per cent. simple interest.

These were the original proposals of the Punjab Government in which the rates of interest were lower than those laid down in the enactments of the Bengal Legislature in the 1933 Act, of the proposals which the United Provinces Government and Legislature have ultimately adopted only last week. These proposals were sent for eliciting opinion and I wish to draw the attention of the House to the opinion of the High Court on these proposals of the Government. These proposals of the Government, I may submit, were accepted or endorsed by practically all the Judges of the High Court. The report of the judges is on page 9 of the opinions received on the Punjab Relief of Indebtedness Bill and a brief extract of this I shall place before you :

The Judges support the proposal to amend the Usurious Loans Act by substituting "or" for "and" in section 3 of the Act. As regards the fixing of a definite rate beyond which interest shall be considered excessive, one Judge is opposed to any change in the existing law. Four support the proposals of Government in section 4 (b) of your letter under reply. Nine consider that once the principle of the courts' entire discretion in the matter of presuming interest to be excessive is abandoned, a definite limit should be fixed above which interest should be deemed to be excessive and below which it should not; and that there should not be any gap between the upper and lower limits. They propose that this limit should be 12 per cent. compound interest where there is security of property, and where there is not, 18 per cent. compound interest with annual rests, or 24 per cent. simple interest.

Therefore, you have the opinion of 14 Honourable Judges of the High Court who agree with the original proposals of the Punjab Government.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Except that they do not want two limits.

Mr. Mukand Lal Puri : Yes, except that they do not want two limits, but unfortunately the Government has not accepted the opinion of the High Court even on this point. The opinion of the High Court judges was that the Government if it is fond of fixing rates of interest should fix a rate of interest beyond which the courts should consider the rate to be excessive and below which the courts should hold the rate to be fair. What the Government has done is contrary to the advice of the High Court judges.

They have fixed the outside limit beyond which the rate shall be excessive, below that rate they have still left it to the court to determine whether the rate is excessive or not. The failure to accept the advice of the High Court will lead to unnecessary prolongation of litigation and waste of time of the courts, but that is not the precise matter which I wish to emphasise at this time. The Honourable Finance Member has in answer to my request the other day as to what led him to propose these new and abnormally low rates, took us into his confidence and stated that these were the result of "feeling about the matter." Now, Sir, what I wish to know is that with these precedents before them the report of the Calvert Committee, the Bengal Money-lenders Act, 1933, the United Provinces legislation recently passed, what was the inquiry, what was the data on which the Honourable Finance Member has based his new proposals? I say that the rates for secured loans are abnormally low, but do not take my word for it. This is a matter which can be definitely and correctly ascertained without much difficulty. The Punjab Government can get its registration offices searched by issuing a circular letter and be in possession of the current rates on secured loans, or mortgages of property within a week. If information of that kind is obtained I make bold to say you will

4 P.M.

hardly find five per cent., if any at all, cases where loans have been advanced against house property on less than 7 per cent. compound interest as is proposed in the Government amendment. Why does the Punjab Government not make this simple enquiry. I wrote to the Registrar, Lahore, to supply me that information, but he has not been pleased to do so. Kindly imagine what will be the effect of your legislation. People who are so far perfectly satisfied with their transactions, people who have thanked their stars for getting accommodation at 8 or 9 per cent. compound interest against mortgages, people who have been discharging their obligations, people who had no reason for or no intention of going to courts, you are asking them, inviting them in fact, to go to courts. And you are doing so, by a piece of retrospective legislation laying down that anything more than 7 per cent. compound interest with yearly rests on secured loans is excessive. A debtor who thought himself fortunate to have secured money at $7\frac{1}{2}$ per cent. against house property is being invited to repudiate a transaction, which judged from all possible standards is very fair and equitable. I can assert, without fear of contradiction that to have secured money at that rate of interest, at $7\frac{1}{2}$ per cent. compound interest in those days, I am talking of the last six years, was indeed a luxury in this province. Now if the Government proposal is accepted all those transactions would become unconscionable. You are introducing elements of strife where there are none at present; you are asking people to quarrel who were perfectly satisfied with the transactions between them. The subject is no doubt difficult, but are you basing your legislation on any enquiry into the past or existing conditions of the province? Is there a member of Government who has the courage to assert that $7\frac{1}{2}$ per cent. compound interest with six-monthly rests would not be a very fair and in fact lenient rate of interest on mortgage of house property in this province? And yet you are compelling all the courts of this province, including the Privy Council, to hold that this rate is excessive and usurious! Only the Punjab Government can claim credit for such monstrous proposals.

[Mr. Mukand Lal Puri.]

Mian Nurullah said that some banker told him that the rate of interest in these days was so much. I should point out that those rates of interest may be possibly true against Government securities, and against gold, and against marketable goods which can be at once transformed into money at any time. A loan may be secured against such first class securities, or again it may be secured against the first or second mortgage of property situated in towns or villages. The rates of interest vary with the several kinds of securities. Rates of interest against movable property, against marketable goods in the possession of the borrowers have always been low; the rate against Government securities is again low. A letter has just now been shown to me by a member of this House who is a wealthy and a very respectable businessman from the Lloyds Bank, one of the leading English banks in India offering him to advance money against wheat at 7 per cent. compound interest with monthly rests, insurance and godown charges to be paid by the customer. This would work out at 8 per cent. and this is the rate charged by a respectable bank these days when the bank rate is 3 or 3½ per cent. and when it is lent against readily marketable goods like wheat with 25 per cent. margin and to a respectable party. Those who have dealt with Banks on the security of marketable goods know, what a good security the goods are. They can be sold as soon as the money is not paid or requisite margin not kept up, and debt realised. If Lloyds Bank lends money against such security, and to such party at this rate to-day, with what grace can the Punjab Government declare the transactions of money-lenders against house property at this rate usurious? According to the amendment of the Punjab Government, this transaction of the Lloyd's Bank would be, but for exemption in favour of the Banks, usurious. This means that according to the proposals of the Government all transactions in the Punjab on secured loans would be usurious. The Government has not given us any reasons for their new proposals, which appear to me to be unreasonable. Speaking for myself, unless the Government benches give us some further information I have no justification in drawing any conclusion except this—I have tried to be very charitable on this point—that Chaudhri Chhotu Ram the leader of the debtor classes made some most unreasonable proposals and he did so as the Honourable Raja Sahib pointed out, following the Persian proverb which means "Ask for death so that the fever may leave you", and the Government alarmed by them met him by saying that if he would drop some of these preposterous proposals, they would accept his other proposals, which were equally unreasonable. On what basis, otherwise, may I ask, have the Government arrived at these rates? Do they think that this is an economic rate? I have in my amendments before the House placed several alternative amendments. As I have said I have tabled an amendment identical with the provisions of the Act passed by the Bengal Legislative Council in the year 1933. If that is not acceptable to the House, I have tabled another amendment which is identical with what has now been accepted by the Government and the legislature of the United Provinces. If that is again not acceptable, I say let us accept the original proposals of the Punjab Government itself, endorsed as they were by no less than 14 Judges of the High Court, who naturally must have spoken from their experience on this point. The Punjab Government should proceed in a matter of this kind, on some enquiry

or precedent, and if these enquiries or precedents do not satisfy them, let them institute a fresh enquiry. They cannot legislate as a result of "feeling about," groping in the dark. I commend to the notice of the Government the speech of the Finance Member of the United Provinces Government, Sir Edward Blunt, and of the Home Member in the United Provinces Council last week, when they were discussing the amendment of Usurious Loans Act in their Council last week. I ask the Government of the Punjab to dispaly that spirit of regard for all the classes of the population of this province which the United Provinces Government have evinced for their own and not be a party to a piece of legislation which is inequitable and which is being dictated by an unreasonable majority. With these words I move the following amendments :—

1. That for sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5, the following be substituted :—

"Where in any suit in respect of any money lent after the commencement of the Usurious Loans Act, 1918, it is found that the interest charged exceeds the rate of 15 per cent. per annum in the case of a secured loan or 25 per cent. per annum in the case of unsecured loan or that there is a stipulation for rests at interval of less than 6 months, the court shall, until the contrary is proved, presume for the purpose of section 3 of the Usurious Loans Act, 1918, that the interest charged is excessive."

2. That for sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5, the following be substituted :—

"The court shall deem interest to be excessive if on a loan advanced on the security of immovable property or pledge of movable property it exceeds 12 per cent. compound interest with annual rests or 15 per cent. simple interest, and if on other loans it exceeds 18½ per cent. compound interest with annual rests or 24 per cent. simple interest."

3. That for sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5, the following be substituted :—

"The court shall not deem interest to be excessive if on loans advanced on the security of immovable property or pledge of movable property it does not exceed 9 per cent. compound interest with six months' rest or 10 per cent. simple interest, but the court shall deem interest to be excessive if on loans advanced on the security of the immovable property or pledge of movable property it exceeds 12 per cent. compound interest with half-yearly rest or 15 per cent. simple interest, and if on loans it exceeds 18 per cent. compound interest with half-yearly rest or 24 per cent. simple interest."

Mr. President : Clause under consideration, amendments moved—

1. That for sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5, the following be substituted :—

"Where in any suit in respect of any money lent after the commencement of the Usurious Loans Act, 1918, it is found that the interest charged exceeds the rate of 15 per cent. per annum in the case of a secured loan or 25 per cent. per annum in the case of unsecured loan or that there is a stipulation for rests at interval of less than 6 months, the court shall, until the contrary is proved, presume for the purpose of section 3 of the Usurious Loans Act, 1918, that the interest charged is excessive."

2. That for sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5, the following be substituted :—

"The court shall deem interest to be excessive if on a loan advanced on the security of immovable property or pledge of movable property it exceeds 12 per cent. compound interest with annual rests or 15 per cent. simple interest, and if on other loans it exceeds 18½ per cent. compound interest with annual rests or 24 per cent. simple interest."

[Mr. President.]

3. That for sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5, the following be substituted :—

" The court shall not deem interest to be excessive if on loans advanced on the security of immovable property or pledge of movable property it does not exceed 9 per cent. compound interest with six months' rest or 10 per cent. simple interest, but the court shall deem interest to be excessive if on loans advanced on the security of the immovable property or pledge of movable property it exceeds 12 per cent. compound interest with half-yearly rest or 15 per cent. simple interest, and if on loans it exceeds 18 per cent. compound interest with half-yearly rest or 24 per cent. simple interest."

Professor W. Roberts (Non-Official, nominated) : I move—

That sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5 be omitted and in their place the following be substituted :—

- (1) The Court shall deem interest to be excessive if it exceeds the bank rate fixed by the Imperial Bank of India by more than a percentage which shall vary according as to whether the loan is secured or unsecured and whether the interest on the loan is simple or compound.
- (2) For the purposes of sub-section (1) the court shall deem interest to be excessive if on secured loans it exceeds the bank rate plus 4 per cent. simple interest per annum or the bank rate plus 2 per cent. compound interest per annum with six-monthly rests, and if on unsecured loans it exceeds the bank rate plus 8 per cent. simple interest per annum or the bank rate plus 5 per cent. compound interest per annum with six-monthly rests.
- (3) For the purpose of determining the rate of interest the court shall assume that the bank rate for the period from the 1st of January to the 30th of June in any year shall be the bank rate fixed by the Imperial Bank of India on the 15th of December of the preceding year, and that the bank rate from July 1st to December 31st in any year shall be that fixed by the Imperial Bank of India on June 15th of that year.

This amendment is being brought forward mainly to try and make this Bill as far as the rates of interest are concerned, workable under the varying conditions of the money market. It is not necessary to go back more than three years when the Imperial Bank rate was 8 per cent., as late as September 1931. If we fix now rigid rates we shall find that a change in the bank rate which may again come to 6, 7 or 8 per cent. might preclude all agricultural borrowings. And, therefore, I am very insistent that this part, the first one in the amendment, should be accepted as a general principle. With regard to the other parts of the amendment, if I may speak on them now, that is about the rates of interest, the method which I suggest here, I know is one which is open to differences of opinion. But I must say I have been amazed at the complacency with which some of the leading members to our left have quoted rates given by well known banks, commercial banks both Indian and British, and the Government co-operative banks. The complacency with which the rates, 8, 9 and 10 per cent. are mentioned is an amazing thing to me. I cannot understand how this province can possibly progress, quite apart from agriculture, if such rates of interest are going to be accepted by this House as a normal thing. They must end. We must try to bring the rates of interest in the province to some relation with the bank rate. After all, what is the bank rate in India? It is now $3\frac{1}{2}$ per cent. here when it is 2 per cent. in England and similarly very low in the United States of America and France. The bank rate in this country should be lower than it is now. And yet we have members of the House

calling rates of interest two-and-a-half times the present Indian bank rate as being reasonable. It is absolutely unreasonable. My own private opinion is that before this Bill was introduced we should have had some kind of moratorium. The condition of the agriculturist and the debt question is so serious that I wish this Bill really got to the bottom of it. My friend, the honourable member Chaudhri Afzal Haq referred to the Muhammadan system of no interest being charged and my friend, the honourable member, Mr. Puri, said it was mediæval. My reading of history is that the present system is more mediæval, more ancient and that the no-interest system was probably introduced later. Certainly that is quite reasonable. At the present rate of interest I cannot imagine the agriculture of this province even in prosperous days being able to support the rates of interest which are being claimed at the present day. And I think that this part of my amendment which aims at reducing the rates of interest is in the interests of the general progress of the province, in the interest of every member of this House in the long run and makes the security of capital and the security of the basis for progress both in agriculture and industry more certain in the future. (*Cheers*).

Mr. President : Clause under consideration, amendment moved—

That sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5 be omitted and in their place the following be substituted :—

- (1) The court shall deem interest to be excessive if it exceeds the bank rate fixed by the Imperial Bank of India by more than a percentage which shall vary according as to whether the loan is secured or unsecured and whether the interest on the loan is simple or compound.
- (2) For the purposes of sub-section (1) the court shall deem interest to be excessive if on secured loans it exceeds the bank rate plus 4 per cent. simple interest per annum or the bank rate plus 2 per cent. compound interest per annum with six-monthly rests, and if on unsecured loans it exceeds the bank rate plus 8 per cent. simple interest per annum or the bank rate plus 5 per cent. compound interest per annum with six-monthly rests.
- (3) For the purpose of determining the rate of interest the court shall assume that the bank rate for the period from the 1st of January to the 30th of June in any year shall be the bank rate fixed by the Imperial Bank of India on the 15th of December of the preceding year, and that the bank rate from July 1st to December 31st in any year shall be that fixed by the Imperial Bank of India on June 15th of that year.

Rai Bahadur Mr. P. Mukerjee (Punjab Chamber of Commerce and Trades Association, Commerce) : The amendment of Mr. Roberts and the one of which I had given notice¹ are almost the same. In fact Mr. Roberts spoke for my amendment as well. I would therefore withdraw my amendment in favour of Mr. Roberts. We have here a good deal of discussion about the proper rates of interest. To determine what is a fair rate of interest is a problem which bristles with difficulties. To-day the bank rate

¹In clause 5, sub-clause (iv), sub-clauses (1), (2) and (3) be omitted and in their place the following be substituted :—

The court shall deem interest to be excessive if on loans advanced on the security of immovable property or pledge of movable property it exceeds ten per centum simple interest. When compound interest is charged on secured loans interest shall be deemed to be excessive when it exceeds by over two per centum the Imperial Bank rate prevailing on the day of the transaction. On other loans interest shall be deemed to be excessive if it exceeds eighteen and three-quarter per centum simple interest and fourteen per centum compound interest.

[R. B. Mr. P. Mukerjee.]

may be three per cent. But any day the rate may go up and I do not think honourable members have forgotten the time when in a period of boom the bank rate was as much as 8 per cent. At that time businessmen and traders made a good deal of profit by taking loan even at 15 per cent. and more. But since this Bill is restricted to small landowners and not to the business people I believe the rate fixed by Mr. Roberts in his amendment is fair and I would support his motion.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural) : I think the only objection that was taken to the motion of Government was that the rates proposed therein were very low. Government have made their position quite clear by remarking that they themselves were not very definite as to what to do in deciding what rate of interest should be considered moderate or reasonable. It is thus clear that Government are open to conviction, they have an open mind in the matter so that both the parties might put their case before them. I would submit that the choice they have made after hearing both sides, after this much deliberation, errs on the wrong side and I should say that the rate proposed by Government is excessive and too high.

As regards the amendment of Mr. Roberts I think his brief speech has made a definite and categorical reply to all the points that have been raised by honourable members on the other side. They asked that data should be collected and said that because there has been legislation in different provinces like Bengal and the United Provinces we should adopt a like measure here. Mr. Roberts has told us "why go so far. The rates that have been suggested by our friends on the other side are two or three times the rates of the Imperial Bank of India." Therefore in the circumstances I support the amendment of Mr. Roberts.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban) : The speech of my learned friend, Mr. Mukand Lal Puri came as a shock to me. Whenever the time comes honourable members of the party opposite (Hindu Urban) always try to pose as friends of the Hindu community but here they are condemning 60 lakhs of Hindus of this province perpetually to misery by proposing these high rates. When the time comes they show their *bania* mind, their money-lending mind. It is to the real interest of the Hindu community that the rates of interest should be reduced. For serving the interest of 10 per cent. of the population he is sacrificing the interest of 90 per cent. of the Hindus of the province. For what he is doing or attempts to do here he will have to answer his own community, not only that, but to the people of the Punjab. My honourable friend says that other Governments have not lowered the rates to the extent the Punjab Government proposes. My reply is that those Governments have not got the courage of their convictions. If only the Government of the United Provinces had the courage of their conviction they should have risen to the occasion and admitted that 25 per cent. is absolutely a usurious rate which no zamindar or as a matter of fact, any debtor can ever pay. Then the honourable member spoke in a vein of scorn that there was a compromise in the matter between two parties, viz., the Government and the Unionists. I

ask where is anything wrong in compromises? Is compromise a crime? It was the duty of Government to protect the interests of the public.

Mr. President : Will the honourable member please speak to the motion?

Shaikh Muhammad Sadiq : I have to answer why Government is right in reducing the rate. I have to answer honourable friends on the other side word for word spoken on this motion. The average holding of the zamindar in the Punjab is 15 bighas and I think my friend will agree with me that the average income per bigha is Rs. 4 or Rs. 5. That is to say, a zamindar who owns 15 bighas of land has an annual income of Rs. 60. Suppose he borrows Rs. 100 to buy a pair of oxen. At the rate of interest now proposed by the honourable member, he will be paying Rs. 25 a year as interest alone, and he will be paying that debt all his life out of his income of Rs. 50 or Rs. 60. Is that conseionable? Is there a civilised Government that can allow that sort of thing? They say that England has abolished slavery. Slavery is not abolished from the world, so long as any Government allows such a high rate of interest, because it means that the man sells his whole family. If he borrows Rs. 100 from a money-lender, and his pair of oxen die and he has to buy another pair for Rs. 100 in that case he has to work all the life, and pay every bit of his income to the money-lender, in order to satisfy the interest on Rs. 200 because interest on Rs. 200 will be Rs. 50 per mensem, three-fourths of his total annual income. In proposing the amendment my friends want to sacrifice the interests of the 90 per cent. population of the province for the sake of the 10 per cent. population. If such a high rate of interest is allowed to be perpetuated, it will ruin the people of the Punjab. What is the use of asking for self-government when you are going to sacrifice 90 per cent. of your population and allow them to live in perpetual misery? Let there be no self-government. We do not want it if we cannot have the power to protect the poor people. Where is the protection of those people who simply for Rs. 200 are to sell all their lives to the money-lenders? My friend says, convert 'shall' into 'may.' As a lawyer I would like to support him but my conscience does not allow me to do so, because 'may' will mean so many appeals. One judge will interpret it in one way and another in another way and thus give chance of appeals to the High Court and cause endless litigation. It may mean a bad business for lawyers if a limit is placed, otherwise where is the harm if you say that a definite sum should be taken from the debtor. Both sides will in that case know their position. The debtor will know that he is not to pay more than $12\frac{1}{2}$ per cent. and the creditor will know that he cannot take more than $12\frac{1}{2}$ per cent. If no limit is fixed, the judge will fix a certain amount. The dissatisfied party appeals and says that the judge has wrongly interpreted the word 'may' with the consequent result that there will always be inducements to try luck in courts.

My friend said that because the rate of interest is high in Bengal, because it is high in the United Provinces, therefore it must be high in the Punjab also. What a piece of reasoning! What a piece of logic! He wants that the Punjab Government which has the interests of the Punjab at heart should follow what was done in 1933 in Bengal. Why should we follow other provinces? I would like Bengal to follow the Punjab. I ask, is there

[Shaikh Muhammad Sadiq.]

anybody in the House who can pay 18 per cent. for a debt which is secured ? That is too high a rate of interest and it will be impossible for any debtor to get out of his debt. I assert that even 18 per cent. is too high for unsecured debts. Then my friend quotes the bank rates and says that the interest charged by banks is 8 per cent. or 7 per cent. It is funny that the banks should charge 3 per cent on a *hundi* but 7 per cent. on deposit of wheat or against Government security. It is unreasonable. But because the banks do it, it does not follow that we are going to allow the present system to continue for a long time.

Then my friend said that Government of the Punjab had not followed the recommendation of the commission. The Simon Commission came and after due deliberation they made recommendations, but my friend sitting here did not accept the decision of the British Government. Commissions are sent out as 'feelers,' to see if they can find out anything. We are not to follow the decisions of the commissions. We have to see to the interests of the public. From every day observations we have to see how things are going on, and act accordingly. We find to-day that the position of the tenantry is becoming impossible. It is the same thing that happened in Russia. The money-lenders and the aristocrats never cared for the interests of the peasant, so much so that there was a revolution in 1917. Where are those money-lenders ? Where are those aristocrats ? They are nowhere. Similar was the case in Germany. Everybody knows that the money-lenders there are all scattered to the four corners of the globe.

The honourable members should come forward and make concrete proposals to stop litigation because it is very expensive and the burden on the zamindar is very heavy. How can a poor zamindar pay 11 per cent. to Government as stamp duty and 5 per cent. to lawyers and munshis and incur other charges when a decree is passed against him. It is impossible for a man who cannot even make a living to spend so much on litigation, and it is only right that we should make definite proposals that no money-lender should take interest at such a high rate and that all cases should as far as possible be settled out of courts. Mr. Puri says, why should a *bania* lend money at a lower rate than he desires and that rate should not be fixed for interest. I ask the honourable member, why are rates of tonga-hire fixed ? If Mr. Puri were to go to the bazar and the tongawala asked a rupee as his hire, Mr. Puri would have him challaned. Why, I ask, were the tonga rates fixed ? Why, I ask, were the rates of electric supply fixed ? Why were they recently reduced to 4 annas per unit ? The honourable member has perhaps some interest in the Electric Supply Company. Why did he not say, take electricity at six annas a unit, or do not take our current ? If the British Government were to levy a death duty of 50 per cent., the *banias* will cry. Capital has to be controlled by the legislature. It has to be controlled by the people.

My friends always cry that murders of *banias* are taking place and that so many *banias* have been robbed and killed. Much of the looting is the result of the poverty of the people. As soon as you lower the interest to a reasonable limit, there will be less likelihood of robberies and there will be no murders. So the fixing of the rate of interest is in the interests of

the *bania*. It is in his own interest that he should not take so much interest; he should take a reasonable rate of interest as it is to his own protection. These Hindu urban members are fighting for the so-called protection of money-lenders by raising the rate of interest; they are not paying any heed to the interest of the poor misery stricken people. And these are the people who call themselves nationalists? I most respectfully say that time has come when we must fix the limits in the interests of the money-lender, in the interests of the zamindar and in the interests of capital. After all capital is necessary for the government of a country. We do not want to pass any Confiscatory Act, but we do want that interest should be so regulated that the debtors should be expected to pay as much as they can afford and is reasonable. I think we should not make the lives of debtors miserable. It is our duty to fix a limit and I think we are doing our duty in restricting it to this limit.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Non-official, nominated) (*Urdu*): Sir, I rise to support the amendment moved by the Honourable the Finance Member. The rate of interest suggested in the amendment is excessive no doubt, but I think it is a fair compromise between the rates of interest suggested, by the Leader of the Unionist Party and the Leader of the Hindu Party in their amendments respectively.

Sir, I have listened to the spirited speech of my honourable friend, the representative of Industries with interest. He has given true expression to the innermost feelings and mentality of the money-lending classes. It is regrettable that this important economic measure should have been looked at from a narrow and communal point of view. My Honourable friend has accused the Government and the Unionist Party, of having joined hands to crush the interests of the money-lending class, but let me tell him that the Government has brought this measure more in the interest of money-lending classes than of the debtor classes. It has been remarked that the economic depression was not a special feature of this province which should have necessitated such a drastic action on the part of the Government. I agree with my honourable friend that this economic depression is world-wide and not limited only to the Punjab. I would like to tell him that every country in the world has felt the pinch of this depression and has taken action according to its needs and requirements. A study of the history will support my view that whenever such economic conditions developed in a country, action was taken either by the Government or the masses themselves. The reasons of French Revolution were more of economic nature than political. The overthrow of Russian monarchy and the introduction of Bolshevism in Russia was due to economic unrest more than to anything else. Wherever a Government has failed to take adequate action to improve the economic situation of a country the results have been disastrous. It is not very long ago that the German Government took a very strong action to relieve the debtor classes of their country from the clutches of the dynasty of Shylocks. Every one is fully aware of the fate of the Jews in Germany. This is an action taken by a civilized European Government in modern times. Not only this but Germany has refused to pay its national liability, the war debt, to America and England. England and France pressed the American Government to declare a moratorium on

[K. B. Mian Mushtaq Ahmad Gurmani.]

war debts, and to suspend interest until the economic conditions improved. They have suspended the payment of debt instalments to America. Such examples are not wanting in India itself. The Government was forced to bring forward a relief measure in Deccan to improve the distressed condition of indebted agriculturists of that part of the country. Do my honourable friends, the representatives of money-lending classes want that state of affairs to develop in this province? If the conditions take such serious turn here, a stronger action will be necessary than what the Government is proposing to do now. In Kashmir, Bhawnagar and other Indian States stronger actions have been taken in this direction. In other provinces of British India also, relief measures have been introduced. It is not practicable to take uniform action everywhere. An action which is desirable in Germany cannot be necessarily suitable for England. Similarly action taken by the United Provinces Government may not be adequate in the Punjab. It is very wrong to accuse the Government of unduly favouring the rural classes. The prosperity of the province mainly depends on the satisfactory condition of the agricultural classes and in the wider interests of the province it is essential to protect their interests and to give them relief when it is necessary. This measure, as I have already said, is in the interest of the money-lending classes. At present the debtor classes realising that it is beyond their means to pay up their debts, have suspended their efforts to discharge their liabilities. If the rate of interest and the amount of debt can be brought to the paying capacity of the debtors they will make an honest effort to discharge their moral obligations. This measure will help to revive hope, in the hearts of the debtors, of being able to clear their debts and the realisation of the debts will be made possible. If an obstinate attitude is taken, by the representatives of money lenders, to keep the rate of interest high and beyond the paying capacity of the debtors it will result in a deadlock and the realisation will be made impossible. It has been suggested by the champions of the cause of the money-lenders to fix the interest at $37\frac{1}{2}$ per cent. and the leader of their party has suggested a rate of 24 per cent. Now let us examine whether it is at all possible for the rural debtors to pay this interest. The estimated amount of agricultural debt of the province is 200 crores and the interest at the rate of $37\frac{1}{2}$ per cent. and 24 per cent. per annum will come to 75 crores and 48 crores, respectively. The total net agricultural income of the province can be estimated on the basis of land revenue. The land revenue is assessed at 25 per cent. to 33 per cent. of the net assets of an agriculturist. The land revenue of the province is about $3\frac{1}{2}$ crores. Basing the assessment of land revenue at 25 per cent. of the net assets the annual net agricultural income of the province comes to 14 crores. How can it be possible to pay up the suggested rate of interest even if all the agricultural income is devoted to this purpose? If my honourable friends wish to bring the crisis to a head it is open to them to oppose such a reasonable proposal or if they want to oppose this because it happens to be a Government measure they may please themselves, but let me warn them that in doing so they will be injuring the interests of the classes they represent. If the economic outlook of the country remains gloomy as it is to-day the results will be disastrous. If this measure is allowed to pass, it will relieve my friends sitting on those benches of asking Council questions at every session of the Council as to the number of sahu-kars murdered every

year. It will also help to improve the relations between rural and urban classes which is most essential for the political and social advancement of the country.

It has been suggested that if the rate of interest is lowered it will adversely affect the rural credit and the agriculturists will not be able to raise money at times of need. The expansion of rural credit has reached such a stage that a strong check is necessary. We shall be more content if our credit is restricted than groan under an unbearable load of debt. The money-lending system in the province has been an obstacle in the way of industrial development. In the days of prosperity a *bania* found it more profitable to invest his money in money-lending than in industrial purposes. He could start money-lending even with a small capital. No effort was, therefore, made to form joint stock companies to develop the industries of the country. If a check is brought on money-lending the savings of the *sahukars* will have to find another outlet and these will be invested on industrial development which will naturally bring more prosperity to the province. I hope my honourable friend from Hoshiarpur who suggested a new use of Mr. Gandhi's brain after his retirement from Congress politics, will agree with me that this is one way to help the development of the country's industries. He remarked that he will send a copy of the debate on this Bill to the members of British Parliament to show how the majority party in this Council oppresses the minority. I wish he does so. The British public will be able to judge for themselves as to what the real conditions are in this country. They will be able to judge the outlook of the minority community which rejects every reasonable proposal and is only well versed in the art of destructive criticism. Their sense of proportion will be evident by their proposing a rate of interest at $3\frac{1}{2}$ per cent. at a time when the Imperial Bank is charging $8\frac{1}{2}$ per cent. interest. The speeches made by them will adequately show their narrow outlook and communal trend of mind for which they always unjustly accuse the majority. On the other hand it will fully demonstrate the attitude of the majority. In a matter of such vital importance as this Bill they have, as usual, showed a spirit of conciliation and good will and have accepted every suggestion of a reasonable compromise which has been made to them. They agreed to delete the new clauses from the Bill, which were of a controversial nature. Only this morning they accepted a compromise suggested by the Honourable Finance Member to limit the benefit of simplified insolvency procedure only to those debtors, the value of whose assets does not exceed Rs. 2,000 instead of keeping the limit at Rs. 3,000 which the leader of the Unionist Party had proposed in his amendment.

It has been remarked by my honourable friend the representative of Industries that if the rate of 7 per cent. compound interest on secured loans is fixed, it will encourage litigation, because people who had borrowed money at the rate of $7\frac{1}{2}$ per cent. or more will try to get the benefit of this Act and go to courts. I do not see any weight in this argument as it will happen in any case if a limit is to be fixed. If the limit is fixed, say, at 12 per cent. the people who had borrowed at a higher rate of interest than that will try to get the benefit of this Act and go to courts. We have after all to fix the same limit and we cannot avoid this even by fixing a higher rate of interest. The very object of this Bill is to afford relief to debtors.

[K. B. Mian Mushtaq Ahmad Gurmani.]

My friend has objected to sub-clause (i) of clause 5. Section 3 of the Usurious Loans Act of 1918 says—

Notwithstanding anything in the Usury Laws Repeal Act, 1855, where, in any suit to which this Act applies, whether heard *ex-parte* or otherwise, the court has reason to believe—

(a) that the interest is excessive; and

(b) that the transaction was, as between the parties thereto, substantially unfair, the court may exercise all or any of the following powers, namely, may, &c., &c.

At present the court cannot take action under this section unless both the conditions mentioned in section 3 exist. If the rate of interest is excessive but the transaction between the parties is not proved substantially unfair or *vice versa* the court has no power to interfere. It is, moreover, left to the discretion of the court to take action under this section. This gives a loophole to the money-lenders to charge exorbitant rates of interest and unless a substantially unfair transaction is also proved they escape action. The past practice has shown that the courts have very seldom exercised their discretion in favour of debtors under this section and this section of the Usurious Loans Act has been a dead letter. The amendment of this section proposed in sub-clauses (i), (ii) and (iii) of clause 5 gives the court power to take action under section 3 in either case whether the interest is excessive or the transaction between the parties is substantially unfair. It further makes it compulsory for the courts to take action, instead of leaving it to their discretion to take action. I think it is quite evident that the proposed amendment is of a technical nature to remedy the defect which exists in the phraseology of the law and it does not in any way extend the scope of section 3. It does not give any extra benefit to the debtor which was not intended at the time of passing the Usurious Loans Act.

I would not take any more of the precious time of this House but before I sit down I wish to appeal to my honourable friends sitting on those benches to show the same spirit of goodwill, conciliation and co-operation which has been exhibited by other sections of the House. Our critics would be better advised to look to this question of vital importance more calmly and not to take an obstinate attitude which will not only be injurious to the interests of the classes which they represent but will be equally harmful to the general interests of the province. They should consider this problem with a cool head and foresight.

Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): Sir, when comparing the rates of interest prevailing in the various provinces of this country I think we should not lose sight of the special circumstances which are prevalent in our own province. I think my honourable friend might have read the article which I sent the other day to the *Civil and Military Gazette*. I would very briefly refer to certain portions of that article which are relevant to the present discussion:

The figures collected in 1925 show that the agricultural debt in this province was 90 crores. During the decade 1925—35 that amount of provincial debt had risen by 30 crores. Mr. Darling has said in his valuable book, "The Punjab Peasant" that no decade in the history of this province has seen such an amount of increase in debt. He says that between 1895 and

1925 this debt had swelled by 50 crores. This has never happened not only in any other province in India, but not even in any other part of the world. When coming to the reasons for this increase he says, that the only reason is that the rate of interest prevailing in this province is very high as compared with any other country. He says that 60 per cent. is neither considered a very high rate of interest nor is even an uncommon rate. On that basis he proceeds to show that an agriculturist who is once in debt is always in debt. It is true that an agriculturist is born in debt, he lives in debt and he dies in debt. The reason for all this is the most usurious rates of interest prevailing in this province.

Another special feature of this province is this. The number of money-lenders is three times as great in the Punjab in proportion to the population as in the rest of India. This is another reason which forces us to fix a certain rate of interest in order to protect our people who are living in this province. In 1925 it was estimated that the land revenue of the province was 4½ crores and it was estimated that the net agricultural income of the province was five times the land revenue, that is 22½ crores. Now there is an unprecedented fall in the prices of all agricultural products. After accounting for this fall in prices we may estimate the present total agricultural income of the province at 15 crores, at the utmost. The debt as the report now shows has swelled to 200 crores. If we consider the prevalent rate to be 18 per cent. simple interest on this debt which is surely an under-estimation, the interest alone comes to 36 crores annually. This means that the interest alone on debt in this province at the low rate of interest of 18 per cent. is more than twice the total agricultural income of the province. That is to say, even if the agriculturists do not pay a single pie to Government towards land revenue and other dues, even if they do not spend a single pie on their own selves, even then they will be able to pay only less than half the amount of interest which is due on their debts during a year. If this is the state of affairs, I do not think anybody here should oppose our fixing the rate of interest at any reasonable sum which we might agree upon.

Now coming to the remarks of Mr. Mukand Lal Puri, as has already been said, in this House he objected to the insertion of the word "or" in place of the word "and" in sub-section (1) of section 3 of the Usurious Loans Act. I see no harm in this change especially when it is very difficult or rather impossible to make both the conditions exist. Under one pretence or other, even when the rate of interest is admitted to be excessive, the courts deny that it is an unfair transaction. If a transaction is held unfair, it is rejected on the other ground. It is totally impossible that both the conditions may be admitted to be present and therefore it stands to reason that we should make the law as has been suggested now that even if one of the conditions is present we should interfere with the rate of interest. This reminds me of an Urdu proverb:

نہ نو من تیل ہوگا نہ رادھا ناچگی

(Neither anybody will be able to supply nine maunds of oil nor anybody will be able to see the dance of Radha.)

[Chaudhri Riasat Ali.]

These two conditions will never be fulfilled and what will be the result? The result will be that the rate of interest will never be held to be excessive by the courts. Personally I think that all transactions where the rate of interest is excessive, are unfair transactions and so it does not make any difference if we retain the word "or" in place of "and" because every transaction which bears an excessive interest is unfair so far as I can see.

The next point mentioned by the honourable member was that the word "may" should be introduced in place of "shall." To tell the truth the word "may" has already sufficiently run its course. We are tired of this word "may" because our sad experience is that wherever this word "may" occurs in enactments, it is always interpreted in favour of the party other than the debtor. We do not want to give the courts discretion and one reason why we want the word "shall" to be there, is that we want to incorporate everything in the provisions of the Act itself. We want to be definite and we do not want to give any discretion to the courts as it may happen that they may misuse the word or misinterpret it. Unless the word "shall" is inserted, no relief is possible and the Act will remain a dead letter as it has remained so far.

The honourable member has been quoting from the United Provinces Council proceedings and for his information I would say that the Usurious Loans United Provinces Amendment Bill of 1933, sections 3 and 4, do make the same changes which we intend making here to-day. They say that in place of the word "and" the word "or" shall be substituted and for the word "may" the word "shall" shall be substituted in the same way. These words do exist in the Bill to which he has made reference and the United Provinces Government of which he is so much enamoured even more than his own Government, has committed the same offence which the Punjab Government is committing, it has committed the same mistake which our own Government is going to commit.

He has also referred to the Bengal Money-Lenders Act, 1933 and has quoted that the rates of interest fixed in that province are very high as compared with the rates of interest suggested here. But he omits to read sections 4 and 5 of that Act. He has confined his whole attention to section 3. But if we go through the provisions of sections 4 and 5, I do not think there is any need of fixing any rate of interest. Section 4 says that even in case of debts raised before the commencement of the Act no interest should be allowed which is more than the originally lent sum. If a similar provision is made then there is no need for fixing any rate. If the Bengal Government has fixed a higher rate of interest, it has also enacted this provision, namely—

Notwithstanding anything in any other Act, where in any suit in respect of any money lent by a money-lender before the commencement of this Act it is found that the arrears of interest amount to a sum greater than the principal of the loan, the Court, unless it is satisfied that the money-lender had reasonable grounds for not enforcing his claim earlier, shall limit the amount of such interest recoverable in the suit to an amount equal to the principal of the loan.

This is section 4. Section 5 says—

No money-lender shall recover by suit interest of any kind at a rate exceeding ten per cent. per annum in respect of any loan made after the commencement of this Act under a contract which provides for the payment of compound interest.

If these provisions are there, there is no harm if they provide in section 3 that the rate should be 25 or 30 per cent. or any higher rate. If Mr. Mukand Lal Puri is prepared to accept these, then we might accept his position. (Mr. Mukand Lal Puri : I certainly accept those provisions.)

Then again, the case of the Lloyds Bank was quoted in which a certain person had asked for a loan at 7 per cent. compound interest with monthly rests. To this I would make the answer that there are debtors and debtors. Some may be very needy, who have to give security and who may accept any terms offered. There may be others whose estates are not already encumbered and who have got a higher credit in the market. I can quote an example in which people are prepared to advance money to some people without any security and at $3\frac{1}{2}$ per cent. rate of interest.

Another objection has been that Government has been favouring the 90 per cent. of the population of the province totally forgetting the interests of the remaining 10 per cent. If 90 per cent. of the population are suffering from a very dangerous disease and the other 10 per cent. happen to be disease proof, I think it is reasonable that Government should look to the interests of the majority who are suffering. It will be in point to quote the case reported the other day in the *Tribune* in which a Muslim zamindar of Attock District who had originally raised a loan of Rs. 500 in 1882, had a decree passed against him for an amount of Rs. 1,96,900. This means that there has been excessive rate of interest, compound interest, annual rests, interest on interest and all the rest of it in this case. If we do not fix the rates of interest here, I think we will be running into a state of chaos so far as the economic conditions of the country are concerned. With these words, I beg to support the amendment.

Lala Bhagat Ram (Jullundur-cum-Ludhiana, non-Muhammadian, Rural) (Urdu) : Sir, time after time this argument has been repeated that the zamindars are unable to pay off their debts as their income is too small even to make it possible for them to pay the annual interest of their debts. By fictitious facts and figures it is tried to prove to the world that the zamindars are insolvent. So many times it has been stated by the honourable members that the annual income of the zamindars is not more than 10 crores while the interest on their debt is 36 crores annually. From this it is inferred that the bare interest on the debt cannot be paid. As I stated before in this House, the figures of the debt as placed before the honourable members are incorrect. The amount of the rural indebtedness is not two *arbs* of rupees. It is far less than this sum. It in no case exceeds 80 crores. This sum of two *arbs* includes not only the figures for rural indebtedness, but also the figures of the debts which are mutually due to and owed by the *sahukars* amongst themselves. It includes also the figures of loans advanced by the different banks to different classes of the public whether Hindus, Muslims, agriculturists or non-agriculturists. The *sahukars* would welcome any move on the part of the agriculturists towards the payment of their debts. They would be willing to accept interest even at the rate of 8 per cent. provided the zamindars sincerely desire to discharge their liabilities. For the last so many years they have borrowed and have not paid anything. This complaint that the rates of interest are too excessive is also meaningless. In other countries of the world the rates of interest are the same as

[Lala Bhagat Ram.]

are prevalent in this country. For example, in Java the rates of interest are no less than 50 per cent. per annum. But we are willing not to charge such high rates of interest. Let the zamindars pay us an interest of one rupee a month for a loan of Rs. 100. This is the ordinary rate of interest which even sahukars pay to each other for their own debts. In the market this rate of interest is prevalent amongst the sahukars. The zamindara banks when they borrow from the Central Bank pay in no case less than 7 per cent. and then these loans advanced to the zamindara banks are secured. The members of the co-operative societies stand as sureties and the loans are secured by their properties. Each of the members of the society is responsible for the payment of the loans, even if the amount is not more than Rs. 200. If the payment of this loan is delayed even by a day the Central Bank is empowered to take action prescribed by law in case of default. In the case of the banks so many facilities are provided, but in the case of an individual to whom the debt is due no such facility is granted. All the banks pay at $2\frac{1}{2}$ per cent. on deposits and charge at no less than Re. 0-12-0 per cent. monthly. Different companies and different factories borrow at these rates. In these circumstances it is unreasonable to reduce the rates of interest charged by the sahukars to any lower figures than those at which the banks advance loans.

Things, in short, have come to such a pass that even the sahukar is utterly impoverished. There is not a penny to be found in his erstwhile full-to-the-brim money-bags. Now, you are putting obstacles in his way and making it impossible for him to realise even a pice out of his debts. Is it fair, I ask, for you to adopt this course? Do you treat money borrowed from the sahukars as money looted? Do you think that you are under no obligation to pay? Half a pice per rupee is a rate of interest which should be accepted by all reasonable business men. Even the banks and co-operative societies are realising interest at the rate of $9\frac{1}{2}$ per cent., although their money is safe on account of a veritable hedge of securities round it. It would, therefore, be in the fitness of things if the Government and members on those benches agree to the proposal of Mr. Mukand Lal Puri. Furthermore, we should not lose sight of the fact that now-a-days there is practically no business of money-lending going on in villages. Why? Simply because the proposed legislation has filled people's minds with suspicion and mistrust. I hope the Government will not deal a death blow to all rural credit by its intransigent attitude of which it has afforded ample proof by sponsoring this measure. With these words, I lend my whole-hearted support to the amendment of Mr. Mukand Lal Puri.

Mr. President : Question is—

That the question be now put.

The motion was carried.

The Honourable Mr. D. J. Boyd (Finance Member): The debate about the limits of rates of interest has been a very interesting one indeed and I admit that many of the arguments used have been weighty and deserving of full consideration. I was very much impressed by what Mr. Roberts said and by the apparent reasonableness of his amendment and I might have

agreed to accept that amendment if it had been made clear that the rates in his mind were the rates prevailing at the time when the loan was made, but for the fact which has been brought to light in Mr Puri's speech that banks to-day demand 7 per cent. compound interest with monthly rests on security as good as wheat with 25 per cent. margin. If we applied the test proposed in Mr. Roberts' amendment we would find that a rate of 5 or 5½ per cent. was the maximum that could be taken without incurring the certainty of having it ruled excessive. When banks like Llyods Bank demand 7 per cent. on excellent security with a 25 per cent. margin and with monthly rests, I am afraid it would not be reasonable to hold that a rate of 5½ per cent. is excessive. For that reason I think Government must stick to the rate mentioned in the amendment which I have moved. Mr. Mukand Lal said a great deal to show that that rate was too low. He said that few mortgages were registered at a rate of less than 7 per cent., so that a large number of mortgages, after the Government amendment was passed into law, would be held to have been made on excessive rates of interest. But I think a little too much is being made of the rate of interest. It is of course very important now that too low rates should not be fixed. In the present circumstances I do not think it can possibly be contended that ten per cent. simple interest on a secured loan is a low rate. And if you are going to fix a similar limit for compound interest, you must take the corresponding amount worked out in view of the principle of *damdapat*. That is how we have arrived at our rate of 7 per cent. compound interest. I do not think it is too low a limit. One fact that practically all speakers have forgotten is that the importance of the question is greatly diminished by the proposal which is embodied in the Bill and which is the principle of *damdapat*. Within a very short period of years, in ten years, as a matter of fact, the debt will have doubled at the rate of 7 per cent. compound interest or ten per cent. simple interest. I fancy most zamindars' debts began a good deal more than ten years ago and for every year beyond the ten years, the permissible rate of interest becomes less, if this principle of *damdapat* is adopted. Therefore the importance of the rate of interest is very greatly diminished by the fact that it is proposed to adopt that principle. I come now to other considerations. Owing to the existence of the Land Alienation Act, zamindars can seldom get loans secured upon their land and the rate for compound interest on unsecured loans is 14 per cent., which is sufficiently high. So, the importance of this question once more is very greatly reduced by the fact that it is hardly possible for the zamindar to give his land as a security unless he is borrowing from another member of an agricultural tribe in the same group. Again such secured loans as the average zamindar can get are borrowed on the security of jewellery which is actually in the hands of the lender and is absolutely full security for the loan. Now, if a man has in his hands, as an average sahukar has, jewellery which covers the loan with a very wide margin and which he can realise with the greatest of ease surely the rate of 7 per cent. compound interest is ample and as much as should be allowed. There is another argument. It has been mentioned by one or two speakers and that is about the limiting of credit. A man with poor credit has to pay a very high rate if he wants to get any loan. A spendthrift, not endowed with any foresight or prudence, is always willing to pay any high rate. I think it is a very sound thing indeed to clip his wings and

[The Hon. Mr. D. J. Boyd.]

prevent him from getting loans on excessive rates. That is really all I need say about it. The great consideration is the laying down of the principle of *dandapat* and the rate which we have adopted will prevent the accumulation of any further interest after ten years (*hear, hear*).

Khan Bahadur Sardar Habib Ullah (Lahore, Muhammadan, Rural) : May I suggest a compromise? If that can be arrived at perhaps the position would be solved. I understood the honourable mover of the Bill to say that there are certain points to be cleared in the amendment put forward by Mr. Roberts and if that can be cleared—

Mr. Mukand Lal Puri : Compromise between whom?

Khan Bahadur Sardar Habib Ullah : Compromise between the mover of the amendment and his party. If in No. 1 line 2 of Mr. Roberts' amendments after the words 'Imperial Bank of India'; the words 'and in force at the time when the loan was advanced,' were added, we may have a general support of Mr. Roberts' amendment and I hope the honourable mover of the Bill will kindly consider these words. The next is in the proviso and I will submit it when you are considering the proviso.

Mr. President : And not in part (3)? Otherwise part (3) will be inconsistent with the alteration that has been suggested.

Khan Bahadur Sardar Habib Ullah : How would it be?

The Honourable Mr. D. J. Boyd : Perhaps I might clear the matter. There was some consideration of adopting Mr. Roberts' amendment with the amendment now proposed by Sardar Habib Ullah, but when the rate now demanded by the Lloyds Bank was brought to my notice, I saw that we should not adopt that amendment and therefore Government are adhering to the amendment that I have moved.

Mr. Labh Singh : There is just a possibility of a compromise between ourselves and the Honourable the Leader of the Opposition in this respect. We may agree that the rates of interest as fixed may apply exclusively to rural areas.

Mr. President : I propose to put the question in the form, whether these sub-clauses stand part of the Bill. This is the proper form; but if the House prefers, I shall put it in the words of the amendment. (*An honourable member* : The latter way would be more clear). As the House wants the amendment to be put in the form in which it appears in the agenda, I shall do so. The question is—

That sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5 be omitted.

The motion was carried.

Mr. President : The question is—

That the following clause take the place of the omitted clause :

The court shall deem interest to be excessive if on loans advanced on the security of immovable property or pledge of movable property it exceeds ten per centum per annum simple interest or seven per centum per annum compound interest with annual rests, and if on other loans it exceeds eighteen and three-quarter per centum per annum simple interest or fourteen per centum per annum compound interest with annual rests.

The Council divided : Ayes : 33 ; Noes 34.

AYES.

Anderson, Mr. J. D.
Beant Singh, Sardar Sahib Sardar.
Bhagat Ram, Lala.
Bourne, Mr. F. C.
Boyd, The Honourable Mr. D. J.
Chetan Anand, Lala.
Fazl Ilahi, Khan Sahib Shaikh.
Ferguson, Mr. J. A.
Firoz Khan Noon, The Honourable
Malik Sir.
Garbett, Mr. C. C.
Gokul Chand Narang, The Honour-
able Dr.
Grindal, Mr. A. D.
Hearn, Mr. J. W.
Jogendra Singh, The Honourable
Sardar Sir.
Labh Chand Mehra, Rai Sahib
Lala.
Labh Singh. Mr.
Latiff, Mr. A.

Lekhwati Jain, Shrimati.
Marsden, Mr. P.
Mayadas, Mr. Earnest.
Mohan Singh, Sardar Bahadur Sar-
dar.
Muhammad Husein, Chaudhri.
Mukand Lal Puri, Mr.
Mukerji, Rai Bahadur Mr. P.
Murphy, Mr. A.
Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.
Narendra Nath, Diwan Bahadur
Raja.
Ramji Das, Lala.
Ram Singh, 2nd-Lieut. Sardar.
Sewak Ram, Rai Bahadur Lala.
Shave, Dr. (Mrs.) M. C.
Sheo Narain Singh, Sardar Bahadur
Sardar.
Sikander Hyat-Khan, The Honour-
able Captain Sirdar Sir.

NOES.

Afzal Haq, Chaudhri.
Ahmad Yar Khan Daulatana, Khan
Bahadur Mian.
Akbar Ali, Pir.
Allah Dad Khan, Chaudhri.
Arjan Singh, Sardar.
Bahadur Khan, Sardar.
Buta Singh, Sardar Bahadur Sardar.
Chhotu Ram, Rao Bahadur Chaudhri.
Faqir Husain Khan, Chaudhri.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Gurbachan Singh, Sardar Sahib
Sardar.
Habib Ullah, Khan Bahadur Sar-
dar.
Haibat Khan Daba, Khan.
Jawahar Singh Dhillon, Sardar.
Kesar Singh, Rai Sahib Chaudhri.
Mohindar Singh, Sardar.
Mubarak Ali Shah, Sayad.
Muhammad Abdul Rahman Khan,
Chaudhri.

Muhammad Amin Khan, Khan
Bahadur Malik.
Muhammad Eusoof, Khwaja.
Muhammad Hassan, Khan Sahib
Makhdum Shaikh.
Muhammad Hayat Qureshi, Khan
Bahadur Nawab.
Muhammad Raza Shah Gilani,
Makhdumzada Sayad.
Muhammad Sarfaraz Ali Khan, Raja.
Muzaffar Khan, Khan Bahadur
Captain Malik.
Nathwa Singh, Chaudhri.
Noor Ahmad Khan, Khan Sahib
Mian.
Nurullah, Mian.
Pancham Chand, Thakur.
Ram Sarup, Chaudhri.
Riasat Ali, Chaudhri.
Roberts, Mr. W.
Umar Hayat, Chaudhri.
Zaman Mehdi Khan, Khan Baha-
dur Malik.

Mr. President : The question is—

That for sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5, the following be substituted :—

The court shall deem interest to be excessive if on loans advanced on the security of immovable property or pledge of movable property it exceeds 12 per cent. compound interest with annual rests or 15 per cent. simple interest, and if on other loans it exceeds 18 per cent. compound interest with annual rests or 24 per cent. simple interest.

The motion was lost.

Mr. President : The question is—

That for sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5 the following be substituted :—

Where in any suit in respect of any money lent after the commencement of the Usurious Loans Act, 1918, it is found that the interest charged exceeds the rate of 15 per cent. per annum in the case of a secured loan or 25 per cent. per annum in the case of unsecured loan or that there is a stipulation for rests at interval of less than 6 months, the court shall, until the contrary is proved, presume for the purpose of section 3 of the Usurious Loans Act, 1918, that the interest charged is excessive.

The motion was lost.

Mr. President : The question is—

That for sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5 the following be substituted :—

The Court shall deem interest to be excessive if on a loan advanced on the security of immovable property or pledge of movable property it exceeds 12 per cent. compound interest with annual rests or 15 per cent. simple interest, and if on other loans it exceeds 18½ per cent. compound interest with annual rests or 24 per cent. simple interest.

The Council divided : Ayes 35 ; Noes 36.

AYES.

Anderson, Mr. J. D.
Beant Singh, S. S. Sardar.
Bhagat Ram, Lala.
Bourne, Mr. F. C.
Boyd, The Honourable Mr. D. J.
Chetan Anand, Lala.
Fazl Ilahi, Khan Sahib Shaikh.
Ferguson, Mr. J. A.
Firoz Khan Noon, The Honourable Malik Sir.
Garbett, Mr. C. C.
Gokul Chand Narang, The Honourable Dr.
Grindal, Mr. A. D.
Hearn, Mr. J. W.
Jogendra Singh, The Honourable Sardar Sir.
Kesar Singh, Rai Sahib Chaudhri.
Labh Chand Mehra, Rai Sahib Lala.
Labh Singh, Mr.
Latifi, Mr. A.

Lekhwati Jain, Shrimati.
Marsden, Mr. P.
Mayadas, Mr. Ernest.
Mohan Singh, Sardar Bahadur Sardar.
Muhammad Husain, Chaudhri.
Mukand Lal Puri, Mr.
Mukerji, Rai Bahadur Mr. P.
Murphy, Mr. A.
Narendra Nath, Diwan Bahadur Raja.
Pandit, Mr. Nanak Chand.
Rahim Bakhsh, Maulvi Sir.
Ramji Das, Lala.
Ram Singh, 2nd-Lieut. Sardar.
Sewak Ram, Rai Bahadur Lala.
Shave, Dr. (Mrs.) M. C.
Sheo Narain Singh, Sardar Bahadur Sardar.
Sikander Hyat-Khan, The Honourable Captain Sirdar Sir.

NOES.

Afzal Haq, Chaudhri.
 Ahmad Yar Khan Daulatana, Khan
 Bahadur Mian.
 Akbar Ali, Pir.
 Allah Dad Khan, Chaudhri.
 Arjan Singh, Sardar.
 Bahadur Khan, Sardar.
 Buta Singh, Sardar Bahadur Sar-
 dar.
 Chhotu Ram, Rao Bahadur Chau-
 dhri.
 Faqir Husain Khan, Chaudhri.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Gurbachan Singh, Sardar Sahib
 Sardar.
 Habib Ullah, Khan Bahadur Sar-
 dar.
 Haibat Khan, Daba, Khan.
 Jawahar Singh Dhillon, Sardar.
 Mamraj Singh Chohan, Kanwar.
 Mohinder Singh, Sardar.
 Mubarak Ali Shah, Sayad.
 Muhammad Abdul Rahman Khan,
 Chaudhri.

Muhammad Amin Khan, Khan.
 Bahadur Malik.
 Muhammad Eusoof, Khawaja.
 Muhammad Hasan, Khan Sahib
 Makhdum Shaikh.
 Muhammd Hayat Qureshi, Khan.
 Bahadur Nawab.
 Muhammad Raza Shah Gilani,
 Makhdumzada Sayad.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Ali Khan, Raja.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Nathwa Singh, Chaudhri.
 Noor Ahmad Khan, Khan Sahib-
 Mian.
 Nurullah, Mian.
 Pancham Chand, Thakur.
 Ram Sarup, Chaudhri.
 Riasat Ali, Chaudhri.
 Roberts, Mr. W.
 Umar Hayat, Chaudhri.
 Zaman Mehdi Khan, Khan.
 Bahadur Malik.

Mr. President : The question is—

That in place of sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5 the following be substituted :—

The court shall not deem interest to be excessive if on loans advanced on the security of immovable property or pledge of movable property it does not exceed 9 per cent. compound interest with six months' rest or 10 per cent. simple interest, but the court shall deem interest to be excessive if on loans advanced on the security of the immovable property or pledge of movable property it exceeds 12 per cent. compound interest with half-yearly rest or 15 per cent. simple interest, and if on loans it exceeds 18 per cent. compound interest with half-yearly rest or 24 per cent. simple interest.

The Council divided : Ayes 88 ; Noes 87.

AYES.

Anderson, Mr. J. D.
 Beant Singh, Sardar Sahib Sardar.
 Bhagat Ram, Lala.
 Bourne, Mr. F. C.
 Boyd, The Honourable Mr. D. J.
 Chetan Anand, Lala.
 Fazl Hahi, Khan Sahib Shaikh.
 Ferguson, Mr. J. A.
 Firoz Khan Noon, The Honourable
 Malik Sir.

Garbett, Mr. C. C.
 Gokul Chand Narang, The Honour-
 able Dr.
 Grindal, Mr. A. D.
 Hearn, Mr. J. W.
 Labh Chand Mehra, Rai Sahib Lala.
 Labh Singh, Mr.
 Latifi, Mr. A.
 Lekhwati Jain, Shrimati.
 Marsden, Mr. P.

[Mr. President.]

Mayadas, Mr. Ernest.
 Mohan Singh, Sardar Bahadur Sardar.
 Muhammad Husain, Chaudhri.
 Mukand Lal Puri, Mr.
 Mukerji, Rai Bahadur Mr. P.
 Murphy, Mr. A.
 Narendra Nath, Diwan Bahadur Raja.
 Pandit, Mr. Nanak Chand.

Rahim Bakhsh, Maulvi Sir.
 Ramji Das, Lala.
 Ram Singh, 2nd-Lieut. Sardar.
 Sewak Ram, Rai Bahadur Lala.
 Shave, Dr. (Mrs.) M. C.
 Sheo Narain Singh, Sardar Bahadur Sardar.
 Sikander Hyat-Khan, The Honourable Captain Sirdar Sir.

NOES.

Afzal Haq, Chaudhri.
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Akbar Ali, Pir.
 Allah Dad Khan, Chaudhri.
 Arjan Singh, Sardar.
 Bahadur Khan, Sardar.
 Buta Singh, Sardar Bahadur Sardar.
 Chhotu Ram, Rao Bahadur Chaudhri.
 Faqir Husain Khan, Chaudhri.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Gurbachan Singh, Sardar Sahib Sardar.
 Habib Ullah, Khan Bahadur Sardar.
 Haibat Khan Daba, Khan.
 Jawahar Singh Dhillon, Sardar.
 Kesar Singh, Rai Sahib Chaudhri.
 Mamraj Singh Chohan, Kanwar.
 Mohindar Singh, Sardar.
 Mubarak Ali Shah, Sayad.
 Muhammad Abdul Rahman Khan, Chaudhri.

Muhammad Amin Khan, Khan Bahadur Malik.
 Muhammad Eusoof, Khwaja.
 Muhammad Hasan, Khan Sahib Makhdum Shaikh.
 Muhammad Hayat Qureshi, Khan Bahadur Nawab.
 Muhammad Raza Shah Gilani, Makhdumzada Sayad.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Ali Khan, Raja.
 Mushtaq Ahmad Gurmami, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Nathwa Singh, Chaudhri.
 Noor Ahmad Khan, Khan Sahib Mian.
 Nurullah, Mian.
 Pancham Chand, Thakur.
 Ram Sarup, Chaudhri.
 Riasat Ali, Chaudhri.
 Roberts, Mr. W.
 Umar Hayat, Chaudhri.
 Zaman Mehdi Khan, Khan Bahadur, Malik.

Mr. President : The question is—

That for sub-clauses (1), (2) and (3) of sub-clause (iv) of clause 5 the following be substituted :—

6 P.M.

- (1) The court shall deem interest to be excessive if it exceeds the bank rate fixed by the Imperial Bank of India by more than a percentage which shall vary according as to whether the loan is secured or unsecured and whether the interest on the loan is simple or compound.
- (2) For the purposes of sub-section (1) the court shall deem interest to be excessive if on secured loans it exceeds the bank rate plus 4 per cent. simple interest per annum or the bank rate plus 2 per cent. compound interest per annum with six-monthly rests, and if on unsecured loans it exceeds the bank rate plus 8 per cent. simple interest per annum or the bank rate plus 6 per cent. compound interest per annum with six-monthly rests.

- (3) For the purpose of determining the rate of interest the court shall assume that the bank rate for the period from the 1st of January to the 30th of June in any year shall be the bank rate fixed by the Imperial Bank of India on the 15th of December of the preceding year, and that the bank rate from July 1st to December 31st in any year shall be that fixed by the Imperial Bank of India on June 15th of that year.

The Council divided : Ayes 37 ; Noes 11.

AYES.

Afzal Haq, Chaudhri.	Muhammad Amin Khan, Khan Bahadur Malik.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Muhammad Eusoof, Khwaja.
Akbar Ali, Pir.	Muhammad Hasan, Khan Sahib
Allah Dad Khan, Chaudhri.	Makhdum Shaikh.
Arjan Singh, Sardar.	Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Bahadur Khan, Sardar.	Muhammad Raza Shah Gilani,
Bishen Singh, Sardar.	Makhdumzada Sayad.
Buta Singh, Sardar Bahadur Sardar.	Muhammad Sadiq, Shaikh.
Chhotu Ram, Rao Bahadur Chaudhri.	Muhammad Sarfaraz Ali Khan, Raja.
Faqir Husain Khan, Chaudhri.	Mukerji, Rai Bahadur Mr. P.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muzaffar Khan, Khan Bahadur Captain Malik.
Gurbachan Singh, Sardar Sahib Sardar.	Nathwa Singh, Chaudhri.
Habib Ullah, Khan Bahadur Sardar.	Noor Ahmad Khan, Khan Sahib Mian.
Haibat Khan Daba, Khan.	Ram Sarup, Chaudhri.
Jawahar Singh, Dhillon, Sardar.	Ram Singh, 2nd-Lieut., Sardar.
Kesar Singh, Rai Sahib Chaudhri.	Riasat Ali, Chaudhri.
Mohindar Singh, Sardar.	Roberts, Mr. W.
Mubarak Ali Shah, Sayad.	Sampuran Singh, Sardar.
Muhammad Abdul Rahman Khan, Chaudhri.	Umar Hayat, Chaudhri.
	Zaman Mehdi Khan, Khan Bahadur Malik.

NOES.

Bhagat Ram, Lala.	Narendra Nath, Diwan Bahadur Raja.
Chetan Anand, Lala.	Pancham Chand, Thakur.
Labh Chand Mehra, Rai Sahib Lala.	Pandit, Mr. Nanak Chand.
Labh Singh, Mr.	Ramji Das, Lala.
Lekhwati Jain, Shrimati.	Sewak Ram, Rai Bahadur Lala.
Mukand Lal Puri, Mr.	

The Council then adjourned till 2 P. M. on Tuesday, 19th November 1934.

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PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 13th November 1934.

The Council met at the Council Chamber at 2 P. M. of the clock. Mr. President in the chair.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

Clause 5.—(concluded).

Mr. President : The Council will now resume consideration of clause 5.

The Honourable Mr. D. J. Boyd (Finance Member): Sir, I move that the following proviso be added at the end of the amendment to clause 5 which was passed yesterday :—

Provided that the courts shall not deem interest in excess of the above rates to be excessive if the loan has been advanced by the Imperial Bank of India or any banking company registered under the Indian Companies Act, 1913, or the law relating to companies for the time being in force in British India.

There is one thing about this particular proviso that may look a little ridiculous in view of the fact that yesterday it was decided to make excessive any interest which was more than two per cent. above the bank rate. The bank rate that has been adopted is the rate of the Imperial Bank of India and it may sound absurd to mention the Imperial Bank of India in this proviso when its own rate obviously will never be excessive. However, I do not really know whether the Bank ever charges more than its nominal rate or not, so I prefer to leave the proviso as it stands.

Mr. President : Proviso moved is—

Provided that the courts shall not deem interest in excess of the above rates to be excessive if the loan has been advanced by the Imperial Bank of India or any banking company registered under the Indian Companies Act, 1913, or the law relating to companies for the time being in force in British India.

Mr. Mukand Lal Puri : May I ask the Government to consider the advisability of adding the word "Insurance" to the proviso? Most of the long term deposits and loans are given by insurance companies.

The Honourable Mr. D. J. Boyd : I am sorry the Government cannot accept this proposal. It might open the door to a great many other exceptions and it is preferable to leave the proviso as drafted.

Rao Bahadur Chaudhri Chhotu Ram : Sir, I move that the words "The Imperial Bank of India or" be omitted from the proviso, as it stands at present.

Mr. President : Does the honourable member consider the amendment necessary? In any case the members who have given notice of identical or slightly different provisos will speak before any other amendments can be taken up.

Rao Bahadur Chaudhri Chhotu Ram : The amendment which I wish to move has become necessary on account of the form in which the main clause has been passed. Having once passed that the rate fixed by the Imperial Bank of India shall be the measure of other rates being excessive or not, I do not think we can possibly repeat the words, 'Imperial Bank of India' in the proviso as it stands. Therefore, with your permission, Sir, I beg to move that the words "the Imperial Bank of India or" be omitted.

Mr. President : Amendment moved is—

That the words "the Imperial Bank of India or" be omitted in the proviso.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : May I suggest to the honourable member that he should not press his amendment because there seems to be some doubt about the omission of these words. The bank rate is regulated by several factors and sometimes as the honourable members are aware, the Imperial Bank charges a higher rate than its own bank rate. For instance on wheat, it normally charges more than the nominal bank rate which is largely meant for day to day loans. I, therefore, think that on the whole it would be safe to leave the proviso as it stands. In any case it can do no harm.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** In that case I beg leave to withdraw the amendment.

(Leave was not granted.)

Mr. President : Question is—

That the words "the Imperial Bank of India or" be omitted.

The motion was lost.

Mr. President : Question is—

That the following proviso be added to clause 5 (iv):—

Provided that the courts shall not deem interest in excess of the above rates to be excessive if the loan has been advanced by the Imperial Bank of India or any banking company registered under the Indian Companies Act, 1913, or the law relating to companies for the time being in force in British India.

The motion was carried.

Mr. Mukand Lal Puri : What about my amendment that the words "or Insurance" be added after the word "banking" in the proviso?

Mr. President : Had the honourable member given notice of his amendment he would have been able to move it.

Mr. Mukand Lal Puri : Notice was given by me and it is printed as No. 16. I pointed ~~to~~ out at the time when you were going to put the proviso of the Government. I thought you were going to put my proposal independently.

Mr. President : But, did I not say that every gentleman who had given notice of a proviso covering the same or slightly different ground had the right to speak?

Mian Nurullah : On a point of order. You were kind enough to suggest that all these things should be taken up together. But how can a member who had to proceed to amendment No. 12 or 8 not speak on amendment No. 13 after it was moved, because when he spoke, No. 13 or 14 was not moved and unless it is moved he cannot have a right to speak.

Mr. President : It is a fact that Mr. Puri got up to move his amendment before the proviso was put to the vote of the House.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I believe what he actually said was that Government should include his amendment in the proviso.

Mr. Mukand Lal Puri : Because it is really a formal amendment and instead of asking the House to accept it, I thought I had better ask the Government to incorporate it in their proviso.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : But if the honourable member wants it to be put to the House, we will not object.

Mr. President : It appears to be a purely verbal amendment.

The Honourable Mr. D. J. Boyd : It is not a purely verbal amendment.

Mr. President : Does Government object to it ?

The Honourable Mr. D. J. Boyd : We cannot accept it.

Mr. President : Question is—

That the words "or insurance company" be added after the word "banking" in the proviso which the House has just accepted.

The Council divided ; Ayes 11 ; Noes. 29.

AYES.

Bhagat Ram, Lala.
Labb Singh, Mr.
Lekhwati Jain, Shrimati.
Mamraj Singh Chohan, Kanwar.
Manohar Lal, Mr.
Mukand Lal Puri, Mr.

Mukerjee, Rai Bahadur Mr. P.
Narendra Nath, Diwan Bahadur
Raja.
Nihal Chand Aggarwal, Lala.
Pancham Chand, Thakur.
Ramji Das, Lala.

NOES.

Abdul Ghani, Shaikh.
Ahmad Yar Khan Daulatana, Khan
Bahadur Mian.
Akbar Ali, Pir.
Allah Dad Khan, Chaudhri.
Bishan Singh, Sardar.
Buta Singh, Sardar Bahadur
Sardar.
Chhotu Ram, Rao Bahadur
Chaudhri.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Gurbachan Singh, Sardar Sahib
Sardar.
Habib Ullah, Khan Bahadur Sardar.
Haibat Khan Daha, Khan.
Jaswant Singh, Guru.
Mohindar Singh, Sardar.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Hayat Qureshi, Khan
Bahadur Nawab.

Mahammad Jamal Khan Leghari,
Khan Bahadur Nawab.
Muhammad Sarfaraz Ali Khan,
Raja.
Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.
Muzaffar Khan, Khan Bahadur
Captain Malik.
Noor Ahmad Khan, Khan Sahib
Mian.
Nur Khan, Khan Sahib Risaldar
Bahadur.
Nurullah, Mian.
Ram Sarup, Chaudhri.
Ram Singh, 2nd-Lieut. Sardar.
Riasat Ali, Chaudhri.
Roberts, Mr. W.
Sampuran Singh, Sardar.
Umar Hayat, Chaudhri.
Zaman Mehdi Khan, Khan Bahadur,
Malik.

Mr. Mukand Lal Puri (Punjab Industries) : The effect of the amendment that this Council was pleased to pass yesterday is that in the Punjab loans advanced on security at $5\frac{1}{2}$ per cent. compound interest are usurious. If the bank rate is $3\frac{1}{2}$ per cent. as it is to-day and it has been $3\frac{1}{2}$ per cent. for the last year-and-a-half, the loans on the security of property, on the security of grain, on Government security, in fact on any security whatever, on the third mortgage of a house which is already heavily encumbered, for instance, will be at the same rate of interest and if it exceeds $5\frac{1}{2}$ per cent. in any case the loan will be held in the Punjab to be at a usurious rate. That is the rate which this Council has been pleased to fix. I say that is a unique position which the Punjab legislature has adopted. I wish to suggest to the Council that they should agree to confine these abnormally low and economically impossible rates only to loans secured against a first mortgage. In the United Provinces they have made a distinction between the first and the second mortgages. What was laid down yesterday was not that the rate of interest shall be $5\frac{1}{2}$ per cent. but that at the present bank rate, $5\frac{1}{2}$ per cent. is usurious and the courts have still a discretion on proper facts being brought to their notice, to hold rates below $5\frac{1}{2}$ per cent. to be usurious also. Therefore, I place my suggestion before the House for their consideration. With these words I move—

That the following sub-clause be added to clause 5 :—

“ Provided that no loan shall be considered secured unless it is secured on a first mortgage.”

Mr. President : Clause under consideration, amendment moved—

That the following sub-clause be added to clause 5 :—

“ Provided that no loan shall be considered secured unless it is secured on a first mortgage.”

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East. Rohtak, non-Muhammadan, Rural) (*Urdu*) : Sir the honourable member for Industries has just moved an amendment to the effect that no loan should be considered secured unless it is secured on a first mortgage. Obviously he wants that the rate of interest decided upon by the House yesterday should be made applicable to those loans alone which are secured on first mortgages. In support of his amendment the honourable mover has said that because the House adopted an unprecedented attitude in accepting $5\frac{1}{2}$ per cent. rate of interest as a reasonable rate and any higher rate as excessive, it is only just and fair that this amendment should be accepted. In reply to this I would submit that the House has never decided that any rate of interest in excess of $5\frac{1}{2}$ or $7\frac{1}{2}$ or $4\frac{1}{2}$ per cent shall be considered to be excessive. In fact what the House has decided is that the rate of interest shall be considered to be excessive if on secured loans it exceeds the bank rate plus 4 per cent. per annum simple interest or the bank rate plus 2 per cent. per annum compound interest and if on unsecured loans it exceeds the bank rate plus 8 per cent. per annum simple interest or the bank rate plus 5 per cent. per annum compound interest. Further, the economic condition of the country at present is very bad, the money is lying idle in banks and there are no avenues for investment. Consequently the bank rate is as low as $3\frac{1}{2}$ per cent. In these circumstances, how can you expect a debtor to pay more than $5\frac{1}{2}$ per cent. compound interest with half-yearly rests on secured debts ?

The rate of interest will naturally go up when avenues for investment open up or when the money market is tight. I, therefore, see no reason why the House should not consider this rate of interest, which is to vary with the varying rate of interest in the Imperial Bank, as reasonable and workable. I am told that the banks in this country charge the same rate of interest on loans, whether secured on a first mortgage or on a second mortgage. They have no different rates on loans secured on first and second mortgages. If that is so, I think that there is no reason why this amendment should be accepted. The rate of interest decided upon yesterday is the only reasonable rate which a borrower can be expected to pay and my friends on the opposite benches have no justification whatsoever to ask for a higher rate of interest on secured loans whether they are secured on a first mortgage or on a second. I may remind them once again that this rate of interest is not to remain for ever at a figure of $5\frac{1}{2}$ per cent. as it is to-day. It may go up to $7\frac{1}{2}$ and even to $8\frac{1}{2}$ per cent. at some future date as it actually went up to $7\frac{1}{2}$ per cent. in 1933. And if they consider that they are not to be satisfied even with such high rates, they will do well to ask the sahukars not to advance any loan to agriculturists even if the latter were to ask for it. That will finish the matter and neither party will have a cause of complaint in that case. Such a course will, at the worst, limit the credit of the agriculturist. But that is what we want. If this measure helps to lower the credit of the agriculturist, which has helped to bring ruin upon him, we shall think that the object of this measure has been achieved. I, therefore, say once again that this amendment should not be accepted in any case.

Mr. President : The question is—

That the following sub-clause be added to clause 5 :—

Provided that no loan shall be considered secured unless it is secured on a first mortgage.

The motion was lost.

Mr. President : The question is—

That clause 5 as amended stand part of the Bill.

The motion was carried.

Clause 6.

Mr. Mukand Lal Puri (Punjab Industries) : Sir, I beg to move—

For clause 6 the following be substituted :—

The provisions of this part of the Act shall only apply to loans advanced after coming into force of this Act.

Rao Bahadur Chaudhri Chhotu Ram : May I rise to a point of order. The object of this Bill is to afford relief to indebted people, and that relief cannot be given unless the provisions of this Bill are given retrospective effect. After all the burden of debt cannot be reduced automatically. The provisions of this Bill ought to apply to transactions that have gone before and it is only in that case that relief will be possible. Therefore the House having once accepted the principle of affording relief the present amendment seems to me to cut at the root of the principle of the Bill.

Mr. President : I think there is some force in the objection. Will not the provision, if accepted, affect the object of the Bill ?

Mr. Mukand Lal Puri : Is that your ruling, Sir ?

Mr. President : No. I wish to hear the honourable member.

Mr. Mukand Lal Puri : This is the unfortunate situation created by the measure in which the Punjab Government has combined a number of distinct subjects in one Bill. This Bill does not deal with one subject, it deals with half-a-dozen different subjects.

Mr. President : Will the honourable member confine his speech to the point raised and say how far his amendment will affect the object and scope of the Bill ?

Mr. Mukand Lal Puri : It will not affect the scope of the Bill at all. I was submitting that this Bill does not deal with one topic alone, and that there are some topics which stand by themselves. The amendment to the insolvency law has no direct connection with the relief of indebtedness. It only deals with the subject of more expeditious disposal of insolvency proceedings. Similarly it is a mistake to think that the amendment of the law relating to usurious loans deals necessarily with any relief to the debtor. This is a provision which defines what usury is and it is not necessarily intended to give any relief to debtor except against usury, and, therefore, it is not necessary that the provisions of this Act necessarily afford relief to debtors. Similarly there are other provisions which have absolutely nothing to do with the relief of debtors. There are half-a-dozen other provisions as to the *onus probandi* with respect to exemption from attachment which do not deal with that subject. So, this amendment of the Usurious Loans Act deals only with the subject of usury, i.e., what in this province would be considered to be usury.

The Honourable Mr. D. J. Boyd : It seems to me that the Usurious Loans Act has always had provisions for dealing with usury. All we have to do is to define clearly what usury is. We are not introducing any new penalty against usury and, therefore, I think the Bill should have the effect which it is intended to have.

Mr. President : I think the honourable member will admit that he wants to postpone the operation of clause 5 for a certain number of years.

Mr. Mukand Lal Puri : No. I wish the Act to apply to all loans advanced immediately after the Act comes into force.

Mr. President : Only with regard to loans which may be advanced after the coming into operation of this Bill.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It appears to me that the argument put forward by the Leader of the opposition is not sound. Although the House has accepted the principle of this Bill which is to give relief to debtors, the extent and the method by which that relief should be given are matters of detail which it is for the House to discuss and settle. The principle has been accepted and we have now to decide the extent to which and the method by which the relief should be given. I, therefore, submit the honourable member is within his right in moving his amendment but it is for you, Sir, to give a ruling on the point.

Shaikh Abdul Ghani : Sir, it is necessarily an emergency measure as we all realise and as pointed out by the Chair itself. If my learned friend's

amendment is accepted the effect would be this. Supposing a mortgage of land is entered into to-day. There is sixty years' limitation as my friend knows for redemption of mortgage. The result would be that after sixty years or more a suit would be brought and it is only then that the provisions of this Act would be provoked and as a matter of fact, it will appear as if we are sitting here legislating for the generation that is to come. If it is not mockery—this whole show—then I fail to understand what it is.

Mr. President : The honourable member should not go into merits.

Shaikh Abdul Ghani : With due respect to your ruling I consider that we are going beyond the principle of the Bill. We are legislating for our difficulties and embarrassments that exist to-day. As a matter of fact, the amendment which is suggested would be operative after generations and the result would be that time of the House, money and all the ill-feeling that has been generated in the country will be sheer waste. If the honourable member is in real earnest he should come forward with amendments which would improve the Bill and not destroy it.

Mr. Labh Singh : I need only invite your kind attention to the scope of the Bill and the principle to which we have committed ourselves, namely that this Bill is intended to provide for the relief of indebtedness and the improvement of agrarian credit in the Punjab. That is the principle to which we have committed ourselves. If the select committee has altered the provisions or even altered the preamble we are not concerned with that.

Mr. President : Will the postponement or suspension of the reduced rate of interest for a number of years relieve the debtor ?

Mr. Labh Singh : It would certainly improve the agrarian credit. *(Laughter.)*

Mr. J. D. Anderson : I submit that the view already expressed by the Leader of the House is correct. The purpose of the Bill, as Mr. Labh Singh has pointed out, is to provide for the relief of indebtedness in the Punjab. Clause 5 has been passed by the House. It provides for the amendment of a section of the Usurious Loans Act. Whether immediate effect is to be given to this provision or whether retrospective effect is to be given or whether effect is to be given from some date to be fixed by the House is a matter of degree and not of principle. With respect I submit that the amendment is within the scope of the Bill.

Mr. President : Mr. Mukand Lal Puri will proceed with his amendment which I hold to be in order.

Mr. Mukand Lal Puri (Punjab Industries) : It has been decided to make a change in the substantive law of this province which declares to be illegal, unfair and unconscionable what everybody in the land had so far regarded as fair and equitable. The legislature has now laid down that a very low rate of interest for secured loan is excessive and unconscionable. I ask the House, is it fair to compel the courts to hold that such rates of interest were unconscionable at the time when the Government of India itself was borrowing at 6½ per cent. and the other provincial Governments too borrowed at the same or higher rates of interest ? Further, changes in

[Mr. Mukand Lal Puri.]

substantive law are never made with retrospective effect. If it were only a change in the procedural law, it can be framed with retrospective effect. But here we are effecting a change in the substantive law. It is like laying down that all blue-eyed persons are to be considered bastards not only those who will be born hereafter, but even those who have been in existence in this world for the last twenty years. I do not mind if the House reduces the rate of interest to any extent it likes. It may lay down that taking of compound interest is illegal. If any such law is enacted, law abiding citizens will not in future go against that law. If it is enacted that to charge interest at more than 4 per cent. is illegal, people will know what the law is and will cease to lend at interest which is forbidden under the law. But to lay down now arbitrarily a provision like the one which was laid down by the House yesterday and then to say that all transactions since 1918, the date of the Usurious Loans Act, will be treated in accordance with the standard which the House was pleased to lay down yesterday, is hardly fair.

Again, I should like to bring to the notice of the House the fact that the amendment of the Usurious Loans Act is not confined to agricultural debtors alone. It extends to all transactions, whether the loan was borrowed by the urban people, and by persons engaged in trade or industry. There may be some reason, as some people seem to think, that on account of the fall in agricultural prices some kind of relief in interest should be given to those classes. But, what reason is there that you should amend the Usurious Loans Act with retrospective effect with respect to all transactions about which the House has had no complaint? I know—I hope I would be pardoned for saying that—that it is useless in this House to appeal to reason, but sheer decency demands that if the rate of interest is cut down to a limit which nobody would ever call usurious, it is but fair that it should not be made to apply with retrospective effect. If it is sought to give relief to debtors there are other ways of doing so. The insolvency law has been amended so as to give relief to all debtors whose assets do not exceed Rs. 2,000 and that would bring in at least 95 per cent. of the agricultural population of this province. I say that with a fair amount of confidence because when we fixed Rs. 500 as the value of assets, opinion was divided as to whether it would cover 80 per cent. or more than 80 per cent. Further, in the matter of relief of indebtedness there are provisions relating to conciliation boards. The Usurious Loans Act was enacted to give relief against usury and not to cut down fair and equitable rates of interest. Do not spoil an all-India legislation by adding amendments which do not fit in with the scheme of the Act. There is no reason why an unnatural, uneconomic and an inequitable rate of interest should be fixed under the law and that law should be made applicable with retrospective effect to persons who have been acting most fairly and honestly. There is neither logic nor sense nor propriety in calling a person a usurer who lent money at rates which no court has ever called excessive and no legislature has so far declared to be usurious. It is hardly fair to call a transaction unconscionable and a person usurer, when this was not so at the time of the transaction. I would, therefore, ask this Council to accept this amendment of mine. We have proposed a novel enactment and to make this retrospective, I submit, would not reflect great credit on the House.

Mr. President : The new clause proposed is—

That for clause 3 the following be substituted :—

“ The provisions of this part of the Act shall only apply to loans advanced after coming into force of this Act.”

Chaudhri Allah Dad Khan (Ambala Division, North-East, Muhammadan, Rural) : I rise to oppose the amendment under consideration. The object of the Bill, there is no doubt, is to lighten the huge burden of debt that has been weighing upon the zamindar. It is not to lighten the debts that will be contracted in the future. If we look at the statement of objects and reasons it will be found that the main object of this Bill is to abate the rigour of the debt on the zamindars which it has been estimated now to be 200 crores. Now, if this amendment is accepted, the result would be that the old debts will remain as they are and they will be renewed over and over again. If, as has been said, the credit has been shattered and no new credit will be allowed to be incurred, even then the old debts will be renewed year after year. In that case it would be ridiculous to say that this Bill will lighten the burden of debt in any way. Therefore I submit that though the present amendment has been allowed by you, Mr. President, I think it defeats the very object of the Bill. The present debt is heavy not because of the principal amount borrowed but because of the high rate of interest. It was said by the honourable member that the Government itself borrows at the very high rate of interest of $6\frac{1}{2}$ per cent. The Government can afford to borrow at that rate and at even a higher rate. It is very easy for the Government to pay that rate of interest and even a higher rate of interest. But that is not the case with the poor zamindars. What happens is that at the time of harvest these creditors take the grains of the zamindars at half the market price and further, whenever they pay to the creditor something towards the payment of the loan, full credit is not given for that payment. So, I submit that there is no comparison between the rate which the Government offers to investors and the interest which the money-lenders charge to the zamindars. Therefore, I submit that if this amendment is accepted it will defeat the purpose of the Bill. With these words I oppose the amendment.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural) : Sir, the arguments advanced by Mr. Mukand Lal Puri, though they may seem to be plausible, do not seem to be correct. The object of the Bill, if this amendment is accepted by the House, will be frustrated. The amendment will cut at the very root of the principle of the Bill, which is, as the title says, to provide for the relief of indebtedness in the Punjab. Indebtedness means indebtedness existing in the country and not indebtedness which is to come into existence in future. You have to provide relief for the present indebtedness and if the Bill is not to have retrospective effect it will be no relief at all. It has been said that if these provisions are adopted there will be no credit in the country, but if there is no credit then there will be no indebtedness in future. It is in order to give relief to the existing indebtedness that this Bill has been brought forward by the Government and unless we adopt it there will be no relief to the existing indebtedness in the country. I do not

3 P. M.

[K. B. Malik Zaman Mehdi Khan.]

see the object of this Bill if it is not going to have a retrospective effect. If this is not done it will be a piece of mockery of legislation. With these words I oppose the amendment of Mr. Mukand Lal Puri.

Mr. Labh Singh (Rawalpindi Division and Lahore Division, North, non-Muhammadan, Rural): We are in a strange vicious circle in this Council. Every honourable member gets up from the Unionist benches and claims that this Bill is intended to give relief to the agriculturist, (*An honourable member*: Indebtedness) and to give relief exclusively to the agricultural debtors. This has been the chief line of argument which we have been hearing ever since this Bill has been introduced in this Council. My submission is that if this is so, let the Bill in so many words be confined in its operation only to the agricultural classes. Let it give relief to the agricultural debtors to any extent they like, in any manner they like and for any length of time they choose. Let it have a retrospective effect, let it have an immediate effect or a prospective effect, according as their fancy dictates.

Pir Akbar Ali: May I know on what motion the honourable member is speaking? (*An honourable member*: On the motion before the House). My friend is speaking on agriculturists *versus* non-agriculturists.

Mr. Labh Singh: So let them give it a retrospective effect if they like, but let it be confined only to agriculturists. Then in that case I for one will have absolutely no quarrel with the scope of the measure, with the extent of it or the time limit embodied in it. But let nothing be done which would do anything by way of hampering commerce or the business of the province. I had the hardihood to suggest the other day that we were really rushing along lines which are not correct and which if we were properly advised we would hesitate to adopt. I feel that the agricultural representatives in this Council seem to be obsessed with the power of vote that they possess in this Council constituted as it is at present. That power is going to be immeasurably increased in the future. Let them use that power to help themselves to any extent they like provided that whatever they do is restricted in its operation only to themselves. We do not subscribe to their views on economics and finance. As a matter of fact, just a minute ago when the representative of the debtor classes was on his legs I felt inclined to ask a question whether the Government was taking its notions on economics and finance from the honourable member, Rao Bahadur Chaudhri Chhotu Ram or whether Rao Bahadur Chaudhri Chhotu Ram was following the Government's notions of economics and finance. This is a question which has been exercising my mind all these days that I have been sitting here. It is absolutely impossible to subscribe to the jumble of miscellaneous things which this Bill embodies. It is an omnibus measure transgressing on so many departments of law, on so many relations of business, of trade and of commerce. My submission in one word is this: that whatever mischief this Bill may possibly do, in all conscience do not give it a retrospective effect. We are making a radical change in the substantive law of this province. Is it fair, just or conscionable that we should give it a retrospective effect? I submit not. If you really want to give a retrospective effect, by all means

confine the Bill to the agricultural classes only. It will be an act of expropriation, but then we shall understand where we are. Let us not interfere with our business, our commerce and our trade. If the agriculturists want to curtail their credit, let them. They will soon discover that it is not to their good. If they think it is to their good, let them do so. But let them not do anything which would in any way interfere with the normal operations of business life of this province.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhammadan, Rural) (*Urdu*): Sir, the underlying idea of the motion of my honourable friend, Mr. Mukand Lal Puri, is that the provisions of the Act should only apply to the future loans and should have no retrospective effect. This is a funny idea. The complaint that has arisen is due to the debt that was incurred in the past and the member is suggesting a remedy for the future further development of the evil. He means to say that the disease may be tolerated as it exists at present but only its future development may be stopped. I remember a story which will illustrate his position clearly. A *marasi* found that the character of the wife of a man was not good. He brought it to the notice of the husband who promised him a reward, if he would go to the parents of the wife and relate his story before them, and also take the wife with him. The *marasi* started for the woman's parents' village and also took her along with him. On the way the woman found out the purpose of their going to her parents' house. She promised him a reward of Re. 1, if he desisted from bringing her bad character to the notice of her parents and relatives. He agreed not to inform her parents about her bad character. But when they reached the village he told the whole story that he had witnessed before all the relatives of the woman and in the end added this sentence, "After this my eyes opened and I awakened to find that it all had happened in a dream." This amendment would have no better effect on the whole Bill and all our efforts than the effect that the last sentence had on the whole story of the *marasi*. All our labour would be lost if we accepted this amendment. After this Bill was circulated and opinions received regarding it, what sense is there in accepting an amendment which would have the effect of reducing this Bill to a mere jumble of words with no effect or meaning.

The cause of the present indebtedness is this that the loans were contracted during the War time when the prices of land produce were very high. At that time wheat sold 20 seers a rupee. Now it sells 40 seers a rupee. This fall in the price has doubled the amount of the loans. Then add to this factor the system of compound interest with the *sahukar's* natural tact and cunningness. At present our case is similar to the case of a man who has a load of one maund on his head and has to reach Amritsar from Lahore. The nature of the load is that it increases with every step. Now if the man who is responsible for putting that burden over his head uses force for making him walk towards Amritsar, it is natural that first he would try to walk then after some time his legs will begin to shake and then in the end he will fall down unable to get up again under the increased weight of the load. At this stage if the man behind him uses force and coercion in order to make him get up it would be of no avail. Our complaint is

[Chaudhri Muhammad Abdul Rahman Khan.]

regarding the past indebtedness and the honourable mover is talking of a future evil. It is a matter of surprise that the honourable member did not bring in an amendment to the effect that the provisions of the Bill should only be made applicable to those who are born after the enactment and enforcement of this measure. The indebtedness is ruining the whole country and the honourable member has selfishly brought this amendment to be incorporated in the body of the Bill in order to perpetuate the evil. The whole world is groaning under the weight of debt. Germany is groaning, England is groaning and France is groaning, and these are very rich countries of the world. On account of this indebtedness there is every likelihood of a war breaking out. Here the agriculturist classes are being crushed under this indebtedness and there is every fear of their becoming exasperated. The Government wants to relieve the situation but the honourable Hindu members blindly offer opposition. This Bill is not the proper remedy of the evil of indebtedness. It is only a half-hearted measure. It would only have the effect of narrowing down the guttural passage of the *sahukars* who are swallowing the *zamindars*. This Bill will only delay the impending ruin of the *zamindars*, but will not absolutely avert it. I appeal to the Government that they should extend a helping hand to the *zamindars* who are their friends in need. The *zamindar* who is the backbone of the whole country should be saved. The *sndkhors* are in reality *mardumkhors*. The money-lenders are cannibals. Save us from them. We will be of great use to you. If you would save us from their hands we will continue to be the backbone of the country, we will pay land revenue and also form your armies. With these words, I resume my seat.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadan, Rural) : Sir, there seems to be a good deal of misapprehension on one or two points, or rather I may say that things have been said on the floor of this House which may produce that misapprehension. Mr. Mukand Lal Puri, the mover of this amendment has repeated over and over again that the rate of interest will be $5\frac{1}{2}$ per cent. and anything over and above that will be regarded as unfair, unconscionable and excessive. That is not the position. When I spoke on the last motion, I made it perfectly clear that what was decided in this House yesterday was that a rate which is in excess of the Imperial Bank rate on secured debts by more than 2 per cent. will be regarded as excessive. Now, the Imperial Bank rate may be 3 per cent. to-day, may be 4 per cent. to-morrow and may be 6 per cent. next week. It has been varying in the past and it will continue to vary in the future and, therefore, it is wrong to suggest that we should accept this $5\frac{1}{2}$ per cent. as a permanent rate and anything in excess of it as unfair. That is one type of misapprehension which exists in the mind of Mr. Puri; probably it does not exist, but he has said things which may very well produce that misapprehension in the minds of others.

The Honourable Mr. D. J. Boyd : May I get one thing quite cleared from the Leader of the Unionist Party? Is it his interpretation of the amendment that was passed yesterday that if a loan were raised say, in 1931, the 1931 bank rate *plus* so much per cent. will be the rate of interest under the Bill?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I will come to that point later. What I was suggesting was that the apprehension or the suggestion that the rate of interest will always be $5\frac{1}{2}$ per cent. is entirely wrong.

The Honourable Dr. Gokul Chand Narang : He never said so.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Another point on which some light may be thrown is that this $5\frac{1}{2}$ per cent. applies only to secured debts with compound interest at half-yearly rests. These are two incidents of the amendment which has been passed which seemed to have escaped the attention of Mr. Puri and the attention of many others. Even this excess of 2 per cent. over the Imperial Bank rate applies to transactions which are secured and on which compound interest is allowed with half-yearly rests. That makes a tremendous difference. Therefore there should be no misapprehension on the point as to what rate will be regarded by courts as excessive, and as to what particular class of transactions that rate applies to. The rate which will be regarded as excessive will be that which is in excess of the Imperial Bank rate by more than 2 per cent.—this is a thing which requires very carefully to be borne in mind—and then it applies only to transactions which relate to secured debts and which carry compound interest with half-yearly rests.

Mr. Mukand Lal Puri : All transactions carry compound interests.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** With regard to other transactions the rates are different. In the case of simple interest on secured debts the excess is as much as 4 per cent. In the case of unsecured debts and compound interest the excess is 5 per cent. and while in the case of unsecured debts and simple interest, the excess is as much as 8 per cent. Now, can anybody say that these rates do not give a sufficient margin of profit to those who are in the fortunate position of advancing money to others? Certainly not.

Then, another point on which the Honourable Member for Finance asked for my view was whether the clause as it stands at present means that the rate of interest to be allowed by courts will be the rate which prevailed on the date of the transaction or will it be to-day's rate. I think any court will hold that the rate which is to apply to a particular transaction is the rate which prevailed at the time when that transaction was entered into between the debtor and the creditor (*hear, hear*). That is the normal view, that is my view and that is the view which is shared by all the occupants of the benches on my side.

Having cleared this point, I may now proceed to reply to certain criticisms that have been offered by Mr. Puri and Mr. Labh Singh. Mr. Puri suggested that it would be entirely wrong to give this law a retrospective effect in respect to the transactions of those who have never made any complaint about the interest which they have been paying. Well, the attitude of the members of my party who represent indebted classes is that there should be no class distinction whatever. All debtors and creditors, whether they belong to one class or another should be treated alike. That is our attitude, but if the attitude of those who represent money-lending interests is that the operation of this Bill should definitely be confined to certain classes, even then we shall be prepared to meet them in that direction provided they come to some compromise with regard to the whole of the Bill. As a matter

✓ [R. B. Chaudhri Chhotu Ram,]

of fact, if we all put our heads together and come to some sort of a compromise it might be easy to pass this Bill and avoid a good deal of friction (*Interruption*). If this offer is made on behalf of the party as a whole, it should not be difficult for us to come to some sort of a solution which will be acceptable to the members of the Hindu Sabha group as well as the members who represent indebted classes in this House. But it should not be said, as it was said when this Bill was first introduced that an attempt was being made by the representatives of agricultural classes to pass a legislation specially for their benefit. That was not our attitude at that time and that is not our attitude now. But if the representatives of money-lending classes have thought better now and if they feel that it would be a proper course to restrict the application of this Bill to certain classes only, I think they will find us prepared to meet them more than half way. Mr. Labh Singh also suggested that zamindar members seem to be obsessed with the power of vote. Sir, when the motion for recirculation of the Bill was under discussion I made it clear by quoting concrete and definite instances that even in the select committee where we zamindar members were in an absolute majority, we were prepared to meet the representatives of money-lending interest at all points where reason seemed to lie on their side. (*An honourable member: Question*). There were five or six instances in which we in deference to the wishes of Raja Sahib and his party agreed to accept certain amendments.

Mr. President: Will the honourable member please speak to the motion?

✓ **Rao Bahadur Chaudhri Chhotu Ram:** The honourable member had, while speaking said certain things which were regarded by the Chair as having some relevance to the point under discussion and I am only replying to them. If the Chair thinks that I should not reply to that criticism I will drop the matter. I will pass on to another remark which was made by Mr. Labh Singh. He took exception to the propriety of a suggestion on my part that so far as the representatives of indebted classes are concerned, they would welcome a curtailment of the credit of these classes. He thinks that that is a very heterodox view of economics and that that is very unsound financially. I do not know whether or not it is unsound financially, but as a man who has been born in the classes which are born in debt, which live in debt and which die in debt, I know better whether the credit which indebted classes at present enjoy is abnormally high or is not abnormally high. I know that this inflated credit, this artificially inflated credit of zamindars is a curse, has been a curse to their prosperity and unless it is suitably curtailed it will continue to be a curse to these classes. And, Sir, I am not alone in this view of economics. Mr. Calvert definitely stated that the inflated credit of zamindars was the bane of that class. I am not quite sure, but I think Mr. Darling who has been so often quoted in this House by the representatives of money-lending interests has also expressed his agreement with Mr. Calvert, and he has also stated that zamindar classes are enjoying a credit which they should not have and that that credit is proving their ruin. Then again, there is the report produced by the Royal Commission on Labour. I remember definitely that there is a paragraph in that report in which the members of the Commission say that they are amazed at the

ease with which labouring classes are able to borrow money and that they would prefer to see their credit curtailed. Therefore it should not be said that the view that the credit of zamindar classes should be curtailed is peculiar either to me or to the occupants of these benches. That view has been shared by very eminent persons. Whether they were also experts in economics and finance, I am not in a position to say.

Mr. President : May I once more request the honourable member to speak to the motion ?

Rao Bahadur Chaudhri Chhotu Ram : Sir, the motion before the House is that the provisions relating to usurious loans should be applied only to those transactions which take place after this law comes into force. I beg to submit that the Government introduced this legislation to afford relief to debtors. I do not think that the Government really contemplated that it was providing a law to prevent future indebtedness. The chief object, which the Government must have had in view was that relief should be afforded in the existing indebtedness.

I think future indebtedness will probably take care of itself. What is urgently needed is relief in regard to existing indebtedness. I cannot believe that Government undertook all this trouble in order to prevent high rates in the future. The object must have been that rates which have been very high in the past and which have had the effect of swelling the obligations of the indebted classes to an unusual extent should be brought down. That object can only be fulfilled by making this law retrospective in its effect. If this law is not allowed to affect past transactions the result would be that the crushing burden of debt under which the indebted classes are groaning at present will continue at the level at which it stands to-day, and if it is really crushing as has been admitted by everybody not only in this House but outside this House also, then the only remedy that could be applied would be a law with retrospective effect. It is very difficult to believe that the honourable mover of this amendment did not know that Government was in earnest about giving relief to debtors in respect of past transactions. When he says that the application of this law should be restricted to future transactions he is going right against the wishes of Government and also against the very object which this Bill has in view. Therefore if it is really intended that relief should be given, if it is really meant that relief ought to come, then there is no getting away from the fact that this law must have retrospective effect. If retrospective effect is not given, I should think that it would be all labour lost. In fact if I knew that this law was not going to be given retrospective effect I would have been the first person to say that this Bill should be withdrawn. The House does not probably know the amount of mischief that this Bill has done. The controversy in the Press, the lectures from platforms have done a great deal of mischief so far as the mutual relations between creditor and debtor classes are concerned. And if at this late hour it is decided that this law should not have retrospective effect I can only say that the mischief which has already been done would be out of all proportion to the relief which will be given if this Bill extends to future transactions only. I, therefore, urge that my honourable friend will reconsider his position and will withdraw his amendment and if he does not withdraw it the House will reject his amendment.

Mr. President : Question is—

That for clause 6 the following be substituted :—

“The provisions of this part of the Act shall only apply to loans advanced after coming into force of this Act.”

The motion was lost.

Diwan Bahadur Raja Narendra Nath (Punjab Land-holders, General) : The amendment which I propose is—

That in clause 6, the words “pending on or” be omitted.

My amendment is neither in the interests of the lender nor in the interests of the borrower. It is in the interest of administration. I say it is wrong policy to increase immensely the amount of litigation and it will also increase delay in litigation if my amendment were rejected. There may be many suits which are mature for judgment. As soon as this Act comes into force and the law is passed by the Council the courts will have to rehear the case in order to discuss all the points which might be raised by debtors or creditors under this law. I am not quite sure if even after the decree is passed and the appeal is before the appellate court, the new points cannot be raised by the debtors. This may be done even on revision, because I think suits cover both appeals and revisions. I wonder why Government did not anticipate this. Surely they are not going to put the progress of litigation so far back as to begin again in suits which have nearly been finished. These are only the few arguments I have to advance and I am sure, Government benches will accept my amendment.

Mr. President : Clause under consideration, amendment moved—

That in clause 6, the words “pending on or” be omitted.

Mr. Mukand Lal Puri (Punjab Industries) : The Council having decided to make this part of the Bill applicable with retrospective effect, the question is what is meant by that retrospective effect. Is it intended to unsettle adjudications which have already been made by the courts, or is it only to apply to past loans about which suits may be instituted after the coming into force of this Act? The amendment moved by Raja Sahib is that from clause 6 the words “pending on or” be omitted. The effect will be that the provisions of this part shall apply to all suits instituted after the commencement of this Act. Thus it will cover all transactions which have taken place before this time but with respect to which relief is sought after the coming into force of this Act. If this clause is passed as it has emerged out of the select committee, the effect will be that if a sub-judge has decreed a claim the district judge or the High Court will not only have a discretion to re-open that transaction but will be bound to accept the appeal, re-open the case and order a fresh trial. Again even if the district judge disposed of the appeal and the dispute is pending in second appeal before the High Court, or even if the matter is pending before their Lordships of the Privy Council eight years after the institution of suit that case will have to be remanded and a new enquiry made under the provisions of the new Act inasmuch as the word suit is usually taken to include not only proceedings in the trial court but the proceedings in appeal and revision are treated to be a mere continuation of the suit. Of course, if the idea of this House is

that transactions which have been settled by decrees of courts, even including those of the highest court, should again be re-opened, it is a different matter. But I submit it would be hardly fair to carry the retrospective effect of a legislation like this to that extent.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban)
One obvious reason why I stand up to oppose this amendment is that supposing you pass this Bill into law and it is there with Government under consideration, say for a certain number of months before final sanction is accorded, what would be the result in the country? Everybody, especially the money-lending classes are well aware of the provisions of this Bill and knowing full well that the Bill will have no application to suits that were pending before sanction is accorded to this Bill, they would all rush into courts of law and there will be a multiplicity of suits and the debtors would almost be ruined. There would be so many decrees, so many suits and so many cases pending before Government gives final sanction to this measure that the debtor whom we want to save would be destroyed. He would be a ruined man and he will thank his benefactors here in the Council who have been talking so much about giving him relief but have ultimately failed to do it in time. That is one objection.

In the next place, I do not think there is any harm if the Bill were to cover appeals, that are still pending in courts. After all, appeals could not be more than three or four years old. Every one of us knows that there has been a slump all round and that the agriculturist has been suffering not for the past two or three years only but for the past many years. All arguments that have been advanced on this side would apply with equal force to all debts contracted three, four or five years back and I do not think there would be any harm if a suit includes appeal and if the provisions of this Bill were to apply to pending appeals whether they are in the High Court or in any other courts subordinate to the High Court. Moreover, as you will observe, supposing after the passing of this Bill a suit is brought by a creditor against a debtor, and there is already a suit proceeding against that very debtor brought by that very creditor under a different cause of action, both the suits would be proceeding side by side after the passing of this Act. The court will necessarily be deciding the same sort of transactions *inter partes* by two different sets of principles and rules. In the first case the court will be guided by the contract that is actually there between the parties while in the second instance, the court will be guided by the provisions of this law. That would be courting anomaly. Why not place all the suits which are still *sub judice* in any way and at any stage on the same footing and lay it down here that they should be judged by the same legal principles? With these words I oppose the amendment.

Mr. President : The question is—

That in clause 6, the words "pending on or" be omitted.

The motion was lost.

Mr. President : The question is—

That clause 6 stand part of the Bill.

The motion was carried.

New Clause.

Mr. Mukand Lal Puri (Punjab Industries): I think, it is realized by the members of the House that the amendment of the Usurious Loans Act is meant to apply to past transactions as well as to future transactions and further that these provisions apply to loans to traders as well as loans to agriculturists, to loans advanced to residents of towns as well as to loans advanced to persons living in rural areas. I have already pointed out that the bank rate at the present time is $8\frac{1}{2}$ per cent. and it has been the same for the last year and a half, and it is likely to continue to be the same or even to be less in future. The effect of the amendment of the Usurious Loans Act as passed by this House is that it is not possible for a person in the Punjab who has got a house to offer as security to borrow money at 6 per cent. compound interest. It is no use taking rates of simple interest into consideration because by a uniform practice of business men who make their accounts after six months or a year it is usual to charge compound interest and the rates of interest which are prevalent in the province amongst the commercial community as also amongst others are invariably compound interest rates. The point which I am trying to put before this House is this. Are you not really making it difficult for a trader to find money to invest in his business which is his only source of income? Rao Bahadur Chaudhri Chhotu Ram on behalf of the agriculturists can say: "We do not want any money, restriction on credit is good for us because land, a substantial thing, is in our possession and from the profits of land or on the rent of land we can live." A trader lives on business and his business depends upon the capital that he possesses. A portion of it, and you will find invariably a very small portion of it, is his own; the other is invariably borrowed capital. If you make it impossible for that man by enacting this provision to borrow money from the market, you are practically ruining his business. Rao Bahadur Chaudhri Chhotu Ram is perfectly straightforward and honest inasmuch as he realises that no trader or business man can afford to make a living if he is not allowed to borrow money at proper rates and invest it in his business. He would be prepared to exclude traders from the provisions of this Act but what he proposes is this: "I am perfectly agreeable to allow you to carry on your business provided you come to an agreement with me, on my terms with respect to agricultural debt." He says in effect, "wipe out the agricultural debt by accepting my terms"—which are most unreasonable—"and it is really on these terms that I would allow you to carry on your business." That is what he means by his terms. He says: "I am perfectly willing that this Bill be only confined to rural areas provided of course you accept the term that I offer that the agricultural debt is wiped out." I say that is a most improper way of the use of vote. If you think that a thing is fair and equitable for a trader or any other section of the community, you should say: "Yes, I shall accept it irrespective of what your opinion might be with respect to rates for agricultural people." If that is the kind of compromise he offers, certainly we are prepared to accept that compromise. Judge each proposal on its merits and if you think that a proposal is good on its merits you should vote for it.

I emphatically assert that it is not to the interest of the trader, that he should be prevented from borrowing money, quietly without any fuss without any information to his neighbours and without any information to his

creditors at rates which are economic and fair. If you lay down that 6 per cent. compound interest with six-monthly rests is unconscionable, no trader in this province can borrow money. You are perfectly happy because you have got your land to fall back upon, while this poor trader has not anything else on which he can depend. Even a temporary shortage of money or a temporary shrinkage of credit might be his entire ruin. If you had conformed to the standards which had been laid down in other provinces, if you had fixed fairly reasonable rates of interest so that no trader would be put into difficulty it would not have been necessary to ask for these exceptions, but if you put down a very low rate presumably with a view to give relief to yourself for past transactions it is necessary that you should safeguard the means of livelihood of a very large class of population of this province, if not the means of livelihood of this province, at any rate the credit of the province and the requirements of trade. There are some honourable members who are directors of co-operative banks or mortgage banks. Some of them have occasion to borrow money for their trade. I put it to them that to-day with the bank rate at $3\frac{1}{2}$ per cent. can any one of them go anywhere and borrow money on the security of their house or land at $5\frac{1}{2}$ per cent.? Anything above that rate is now usurious in the province. If they cannot borrow money at that rate they will find that a petty trader without their influence will find the doors of his business closed. Therefore I say that whatever you might like to legislate to meet the difficulties of the agriculturists, it is but fair that you should not in attempting to get relief—perhaps a well deserved relief—for yourselves do anything which will not only wipe out the trade and industry of this province but also the means of livelihood of a considerable portion of its population. Therefore I beg to move—

That the following be added to part III :—

The provisions of this part of the Act shall not apply to loans advanced to a trader, contractor or shopkeeper, or to a loan expressly borrowed for purposes of trade or industry.

I have intentionally put the word 'expressly' so that it may not be open to anybody to contend that a loan which was not really borrowed for purposes of trade was actually spent for that purpose. That is why I have used the word 'expressly' to safeguard the possibility of a person who is not a genuine trader taking benefit of these provisions. (*An honourable member* : Their fear is that the borrowers will be made to write in the deed that the loan is raised for commercial purposes). I have put in the word 'expressly' with a view to prevent persons who are not genuine traders taking advantage of the exception. I am quite prepared to omit that word if the word 'expressly' is taken by some people to convey exactly the opposite of what I intended. That is with respect to traders.

Then, Sir, the other amendment of which I have given notice is—

That the following be added to part III :—

The provisions of this part of the Act shall not apply to loans advanced to persons residents of or carrying on business within the limits of a municipal committee, notified area or small town committee.

The object of this amendment is to confine the operation of this Act to the agriculturist alone, so that persons who do not suffer from this agricultural depression should not come within the purview of this Act. Besides,

[Mr. Mukand Lal Puri.]

the persons who are living in towns are in no sense dependent upon agriculture and it would certainly not go against the wishes or the desires of the rural party who are out for some kind of relief for themselves.

The third amendment of which I have given notice practically covers the same point and runs—

That the following be added to part III :—

The provisions of this part of the Act shall only apply to loans advanced to agriculturists who are residents of rural areas.

If you accept my first two amendments, the third need not be accepted, but if you reject the two I would ask Rao Bahadur Chaudhri Chhotu Ram to accept the third amendment which is practically in language suggested by him, that he would be prepared to confine the operation of this Act to agriculturists living in rural areas.

Mr. President : New clause proposed—

The following be added to part III :—

A. P. M. The provisions of this part of the Act shall not apply to loans advanced to a trader, contractor or shopkeeper, or to a loan expressly borrowed for purposes of trade or industry.

The provisions of this part of the Act shall not apply to loans advanced to persons residents of or carrying on business within the limits of a municipal committee, notified area or small town committee.

The provisions of this part of the Act shall only apply to loans advanced to agriculturists who are residents of rural areas.

Sardar Sampuran Singh (Lyallpur, Sikh, Rural) : I rise to make a few observations on these three amendments. I have had an opportunity of discussing these provisions, with people of all communities, classes and trades living in this province both in this division and in the districts of Lyallpur and Jhang of the Multan division. There are several people who do not come within the definition of agriculturists, but they live in villages and carry on business on a small scale. They are suffering more or less from the same disabilities and disadvantages from which the agriculturists in those parts are suffering. They took loans when money was cheap and credit was great and these loans have now become multiplied three and some times four times the amount they borrowed on account of interest and the low prices of agricultural products which is the chief cause of the accumulation of these debts. There is no reason why those people who do not happen to come within the strict definition of agriculturists should not be allowed to take advantage of the provisions of the present law. Complaint has been made several times by the other side that this is a sort of class legislation. At this stage I do not propose to meet that objection, but I would like to submit that there is no reason why these people who do not happen to belong to the agricultural classes should not benefit by this wholesome and healthy provision of law which we are now legislating. Mr. Mukand Lal Puri has tried to make out much out of the point that the trade will suffer. I do not agree with him. Credit either in trade or in agriculture depend to a great extent on the capacity of the borrower to meet his liabilities and I may say that each person has his own credit. A man may be very wealthy and yet may have no credit while another may be without any property and yet command great credit. It all depends upon

the dealings of each person and on the general soundness of the work that he is carrying on. Judging from actual experience of the countryside I may say that the idea that credit depends upon how many acres of land a man possesses is totally wrong. With these few observations I may sum up my point by saying that we want to extend the privileges of this wholesome legislation to all classes of the Punjab. I know that a very large number of those classes really do require the help of this legislation. *(Cheers)*.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural): Sir, I rise to oppose all the three amendments moved by my honourable friend, the member for Industries. The main reasons why the amendments are not acceptable have already been given by the last speaker. I will confine myself only to a few points which have not been touched by him. The amendment refers to agriculturists who are residents of rural areas. Now, what is a rural area? It has to be defined. If the honourable member means by rural area the area known as rural area for purposes of elections to this Council, I may point out that this definition will not be constant, but ever changing. Thus, for instance, under the new constitution rural area will undergo complete transformation. If the honourable member fixes the population as the basis for determining the rural area, that basis also is liable to change, so much so that what is rural area at one time will become urban and what is urban will become rural. Therefore by accepting the amendment we will fall into difficulties and the courts will find it difficult to decide the issue whether a certain area is rural or urban.

Then, again, what is the justification for depriving a man who carries on agriculture and yet resides in a town of the provisions of this measure? Further, the amendment refers to persons carrying on business within the limits of municipal committees, notified areas and small towns. Generally speaking people living within these limits are worse off than those living in small villages, and they are mainly agriculturists. For instance, there is a tahsil, named Kharar in which the agricultural or rural element is more than 80 per cent. of the total population. There may be a few shops in that tahsil, still the character of the whole population is rural. What is the justification for depriving those people of those advantages which this measure proposes to give?

Thirdly, if we accept this amendment, we will be creating class distinction. The traders, contractors and shopkeepers will be exempted from the operation of this measure. How is it possible for a person to determine whether a loan was taken for the purpose of business or for the purpose of agriculture? Generally whenever a loan is taken the purpose for which it is taken is not mentioned. When that is the case it will always be open to money-lenders to bring in evidence to prove that the loan was taken for the purpose of trade while as a matter of fact the loan might have been taken for the purpose of agriculture. That will mean additional burden to courts to find out for what purpose the loan was taken. I have never seen such a discriminating provision in any enactment which has been passed up to this time. It was with the object of removing all such distinctions that even the framers of the Bill changed the provisions so as to make them applicable to all sorts of people. When the motion for reference of the Bill to a

[Chaudhri Allah Dad Khan.]

select committee was before the House the honourable opposition members complained that Government was enacting a class measure. Now, when the Government has altered the provisions so as to make them applicable to all classes, the honourable member brings in an amendment which will have the effect of making this Bill a class measure. It is clear that the effect of the amendment is to defeat the object of the Bill. I do not think the honourable member intends to press his amendment seriously. With these words I oppose the amendment.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural): Sir, I rise to give not what is called whole-hearted support to what Mr. Puri has said, but some support. If all these three amendments are taken separately I think there is an apprehension that they may defeat the object which the framers of this measure have in view. But if the honourable mover of the amendments had taken trouble to frame his amendments in such a way as to remove those fears which are in the minds of honourable members representing rural areas, I think there will be much to commend them to the House. For instance, it would be admitted, it cannot be contended, that everybody in this House wants that this legislation should have no adverse effect on trade or industry which is being carried on in areas within the jurisdiction of municipal committees. It would also be conceded that there might be some fear that some fictitious entries might be made by money-lenders to the effect that a certain loan was advanced for the purpose of trade. This fear can be avoided if some provision is made to prevent such false entries and also if there is some limitation to the areas. Of course we find that most of the people inhabiting these notified areas and small town committees are members of agricultural tribes and I for one, would not sacrifice the interests of those people who are inhabiting those areas. But I do not think that the people living in municipalities and carrying on trade and raise loans for that purpose need protection. As a matter of fact I do not think the Government had those people in view when they framed this legislation. Therefore I would request the mover of these amendments to so frame them that something might be done for the protection of trade and industry in areas which are within the jurisdiction of municipalities and not notified areas or small town committees.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural): Sir, I am grateful to my friend, Mr. Mukand Lal Puri, for having brought these three amendments. As a matter of fact the idea underlying all the three amendments is one and the same. The difficulty which some of my friends on the other side seem to feel will be met by these amendments. It is really an olive branch from this side of the House to the other side and practically forecasted by Chaudhri Chhotu Ram that something should be done to relieve indebtedness without hitting industry or trade. Mr. Mukand Lal Puri consulted me also with regard to these amendments and to the idea underlying them and I gave my whole-hearted support to them. I wish to protect the agriculturist by every means in my power and here is the time when Chaudhri Chhotu Ram can test my honesty of purpose which he sometimes doubts. There was one member who raised certain objections with regard to the agriculturists who are residents of small town areas, I think it was Sardar Sampuran Singh. He said that there were certain

people in these rural areas who were not agriculturists, but who deserved protection in the same way as agriculturists. I agree with him and if necessary I would frame the amendment in the following terms. "The provisions of this part of the Act shall only apply to loans advanced to residents of rural areas." In the word "residents," everybody is included. But there is the difficulty pointed out by Chaudhri Allah Dad Khan that rural areas are difficult of definition. You cannot say what a rural area is, though one has defined municipal committee or notified area or small town committee. The underlying idea is that while protection is given to the agriculturists, people who are engaged in trade or shopkeeping or those who are industrialists should not in any way be hampered by the law of supply and demand. Therefore if the House adjourns for a short time with your permission, a compromise may be arrived at on this point and I do not think it will be difficult. I am sure there would be complete unanimity on this point because the underlying idea is in the minds of everybody and there is fear that by not accepting either of these amendments we might be hitting the people whom we do not want to hit or protecting people whom we do not want to protect. That is the point which is really responsible for these three amendments which are not of course identical. It is not a very easy matter to frame laws without exceptions. If you frame laws certain people are bound to suffer and there are bound to be some exceptions. If it really pleases my friends on the other side, I would be prepared—I have not consulted Mr. Puri—to keep the 2nd amendment with notified areas and small town committees. These small town committees and notified areas are bound to develop and in a very short time become centres of trade and commerce but if you keep them out by your action, that chance would be gone for ever because in order to improve trade and agriculture it is essential that there must be no laws which prevent the flow of capital or regulate the law of supply and demand. Honourable members must have read Mr. Darling's words quoted in the *Tribune* the other day. He brought out this point very forcibly. If I were one of the other party I would certainly accept the words "notified area or small town committee" because to my mind you cannot possibly develop trade and commerce only in the big cities. Trade, commerce, and industries by means of hydro-electricity and other power must be protected and increased in these notified areas and small town committees. I happened to hear a very interesting lecture given by the late Finance Member of the Government on board the ship *Victoria*. He was of the opinion that India should have factories and places of industry in these small towns and should not follow the west in having them in large towns like Manchester and London where people live in slums. He gave this advice in very good spirit and if you really wish to see that your industry rises in small towns and notified areas you must adopt the amendment of which notice has been given by Mr. Puri. If you do not want to agree, there is no desire on this side to keep these notified areas or small town committees along with municipal committees. Then it is said that there are certain agriculturists living in municipal committee areas and they should be protected. I submit there are bound to be hard cases. You cannot make law for all. It would be impossible. I can quote thousands of instances to show that people have suffered from certain laws. This is really an olive branch held to the other side. If you really want to protect the agriculturists

[Mr. Nanak Chand Pandit.]

there is no one on this side who will not agree to give him protection. But on your part you should be equally vigilant and careful of the industrialists, the traders and members who are engaged in commerce. You must not forget them. There are a large number of educated classes who cannot possibly take to agriculture and cannot do anything but take to industry or shopkeeping or business of that kind. Why impose difficulties in their way? The result of the Bill when passed into law would be that capital will flow away from the Punjab.

The Honourable Sardar Sir Jogendra Singh : May I know how excessive rate of interest is in the interest of trade and industry?

Mr. Nanak Chand Pandit : Unfortunately I have to teach the elements of economics to the Honourable Minister. If a person can lend his money at the rate of 10 per cent. in Allahabad or Delhi he would prefer to advance his money there instead of in the Punjab where the interest is very low. That is simple logic. It is common-sense and it does not require any explanation. Here you lay down a rule that in the Punjab nobody can lend at a rate which is more than 5 per cent. What would be the result? There would be thousands of people who would be going out of the Punjab and investing their money in factories and industries outside the province. I said here on the floor of this House that knowing that the Punjab is going to be ruled by zamindars people are trying to carry all their money to other provinces.

The Honourable Sardar Sir Jogendra Singh : But is this relevant to the question I asked?

Mr. Nanak Chand Pandit : I am trying to reply to your question. If you fix a small rate of interest as the maximum, say 5 or 6 per cent.—

The Honourable Sardar Sir Jogendra Singh : Has any rate of interest been fixed as the maximum? My question is how excessive rate of interest would help trade and industry. What the honourable member is pleading is, that the provisions of the Usurious Loans Act should not apply to traders, that is to say, that the traders whose interests he wishes to protect should be subject to excessive rates of interest. If that is so, how is he going to promote trade and industry?

Mr. Nanak Chand Pandit : Excessive rate of interest would be, if the law is passed and accepted by the Government, anything above 5 or 6 per cent.

The Honourable Sardar Sir Jogendra Singh : No.

Mr. Nanak Chand Pandit : It is hopeless to argue with the Honourable Minister. The bank rate is 8 per cent. at this time. If the Honourable Minister still wants to explain, he will please do so. I will then reply to him.

The Honourable Sardar Sir Jogendra Singh : I have nothing to explain.

Mr. Nanak Chand Pandit : The question is, what is the excessive rate of interest according to this law if it is passed? It is anything above 5 per cent, if the bank rate is 8 per cent. on secured debt. If the bank rates is

3 per cent., add 2 to it and it becomes 5 per cent. and anything over that would be excessive in the Punjab. Now in a town quite close to the Punjab, say Delhi or in any town in the United Provinces, a person can go and get 9, 10 or 12 per cent. on his money. Why should he not go there and lend money? The capital is thus bound to fly away from this province and the result will be that the benefit of capital which would otherwise accrue to the Punjab would be denied to it. This is simple logic and common-sense. If Sardar Sahib thinks that 200 per cent. or 180 per cent. which is sometimes the case, is the excessive rate of interest, then I am not accepting that definition. I am accepting the definition that excessive rate of interest in future is anything above the Imperial Bank Rate *plus* 2 per cent. on secured debt, compound interest of course. If people can invest their money in a better way in a neighbouring province or in a neighbouring town where this Act will not be applied the natural result will be that the money would flow from the Punjab to the other province and will not help our industry.

Pir Akbar Ali : If the money goes the rate of interest will become low.

Mr. Nanak Chand Pandit : There are several members of the same mind as Sardar Sahib. They can make their speeches and explain themselves. But this is a simple thing, common-sense and mere logic.

Chaudhri Allah Dad Khan : He says all the provisions of part III. should be excluded from application to these places. That means insolvency laws and other things.

Mr. Nanak Chand Pandit : People do not study things at home and they put questions. I cannot reply to all of them. I thought this was merely confined to rates of interest and nothing else. My submission is this. Your idea is not to destroy trade and commerce and industry. Our idea is not to destroy agriculture. Your idea is to give relief to the agriculturist. Our idea is to give relief to the agriculturist. Now, can you not find some method by which we can attain these objects? There are three amendments by Mr. Mukand Lal Puri. He says that everything should be done to give relief to the indebted agriculturist or people living in rural areas and other small people with small means. My submission is that now is the time when the Government and the other members should come to an understanding that so far as people who are engaged in trade, shop-keeping or industry are concerned, they should be excluded from the operation of this Bill and the application of this legislation should be confined to those people who are either agriculturists or are dependent on agriculture. I was submitting that there is a large number of educated youngmen who are going from door to door and if only we could help them to settle in small areas in villages, they would be a great help. I submit this especially to Sardar Arjan Singh who I am very glad has spoken in favour of the amendments. This is the underlying idea of Mr. Puri's motion. Every effort should be made to give protection to agriculture, but no harm should be done to those people who come under the definition of trade and industry. I hope that a genuine attempt would be made to come to some sort of understanding so that we may not be quarrelling in this matter. My friend over there grew eloquent that it would be said that we are making class legislation. But nobody will say that when the whole province is in

[Mr. Nanak Chand Pandit.]

favour of a motion of this kind. There would then be no danger of anybody bringing this charge. Moreover, it is not a caste or class legislation which we are asking for. It has got a double idea namely to give protection to the indebted agriculturists or persons dependent on agriculture and not to bring within the ambit of this law those people whose main source of income is trade and similar other professions. I therefore beg seriously to request my friends on the other side to look to the idea and the spirit and the basis of these three amendments. Of course they can pick holes in one or the other or the third, but it should not be difficult to come to an understanding on that point.

Rai Sahib Lala Labh Chand Mehra (Non-official nominated) (*Urdu*): Sir, according to clause 5 of the Bill which was passed yesterday, in the presence of the present prevalent bank rate it will be illegal to take more than $5\frac{1}{2}$ per cent. per annum compound interest on loans advanced against security of any movable or immovable property. It matters not for what purpose the money is borrowed. The clause applies equally to loans borrowed by an agriculturist or a trader borrowed for the purpose of agriculture, industry or trade. The honourable Leader of the Unionist Party said that there was a misunderstanding regarding the rate of interest. I hope I have explained the effect of the clause clearly, and if the honourable member still thinks that my interpretation is wrong I would request him to say so.

Now, let us examine how far this rate of interest is fair and workable. The question is whether it will be at all possible to secure loans at this rate. My belief is—and it is based on actual experience and on enquiries made in this connection—that it will not be possible at all to obtain loans at such a rate of interest. I am sure that this rate will not induce any money-lender to lend money on any security. Take the case of a borrower who needs money for his business (trade) in which he thinks he can earn 18 per cent. or 24 per cent. profit. He cannot get money from banks against security of immovable property, as big banks do not advance against property and those who advance charge much higher rates. The *sahukars* who are his only source will not advance at such low rate of interest as $5\frac{1}{2}$ per cent. What is he to do? How is he to run his business? He can afford to pay more interest. He is prepared to pay more, because by doing so he can earn his livelihood but your law prohibits him from doing so. Is it not absurd and cruel to crush his spirit of business and to snatch away his means of livelihood by a legislation of this kind? Under such circumstances it will be only fair to allow him to borrow and the creditor to advance at a higher rate of interest.

I say again that the rate fixed in this Bill is very low, so much so that even the banks will not be prepared to advance any loan at this rate. This I say on the strength of the replies that I received only yesterday from two well-known banks to my letters in which I enquired from them as to what their usual rates of interest were on loans advanced by them on the security of grain and such other property. One of these two banks is the Central Bank of India, Limited, which writes as follows:—

With reference to your enquiry I may inform you that the big banks in the Punjab are charging interest at the rate of 7 per cent. on advances against wheat with monthly rests. The rate for advances against property is a little higher and depends upon the amount and the standing of the borrower.

Now this is not a small bank. It is on the other hand admittedly one of the biggest Indian banks. The case of foreign banks is not different. Here is a letter from one of the five biggest banks of England, I mean the Lloyds Bank. The Manager of its Amritsar Branch writes as follows :—

With reference to your letter of date we shall be pleased to make advances against the stocks of wheat up to 75 per cent. of the market value with interest at the rate of 7 per cent. per annum subject to monthly rests including insurance.

I ask the honourable members to please note particularly the words "monthly rests" in these two letters. These banks, it is obvious, are not content with charging 7 per cent. per annum compound interest, but they must have this rate with monthly rests. There is another important point to note in this connection. As you will have found from these letters, the banks are prepared to advance loans on the security of stocks of wheat up to 75 per cent. of the market value of wheat and not more. Then these banks reserve to themselves the right of selling such stocks at 24 hours' notice, in case of the price of the wheat is falling, in order to realise their capital and interest. This is another stringent condition that these banks impose. These are the terms and rates of banks, so well organised, and having ample money in their coffers, and against such a good security as wheat. Now in the face of this evidence it is certainly unreasonable to expect any individual money-lender to advance loans at this rate against every sort of security and without the advantages which the banks enjoy, what to say of $5\frac{1}{2}$ per cent. the rate that you have fixed.

It is also wrong to say that 2 per cent. more than the bank rate has been allowed by the Bill as I will presently show by facts and figures. According to an amendment moved yesterday by Mr. Roberts and adopted by the House, the bank rate for the period from the 1st of January to 30th of June in any year shall be assumed to be the rate fixed by the Imperial Bank of India on the 15th of December of the preceding year and for the second half of the year, the bank rate shall be assumed to be the rate fixed by that Bank on the 15th of June of that year. Now if you were to take the exact facts and figures and try to find the average rate of interest for the first six months or for the second six months, you will find that the average always differs from the rate on the 15th of December or the 15th of June. For purposes of illustration I shall take the rates of the Imperial Bank in 1930 and 1931. On the 15th of December 1930 the actual bank rate was 6 per cent. But the average rate of interest for the following six months came to about 6.735 per cent, meaning thereby that there was a difference of about three-quarter per cent. between the rate on the 15th June and rate that was charged in the following six months. Similarly on the 15th of June 1931 the rate of interest fixed by the Imperial Bank was only 6 per cent. but the average for the following six months came to 7.53 per cent., that is to say that there was a difference of about $1\frac{1}{2}$ per cent. between the rate on the 15th June 1931, which is to be assumed as the standard rate, and the rate in the following six months. These figures prove beyond doubt that in actual practice sometimes only half a per cent. or at the most one per cent. extra will be allowed to be charged. But that is not material. What I want to show is that everything is being done haphazardly, without going into facts and figures, without giving the consideration that such a serious subject deserves, and without taking into consideration the far-reaching effect it will produce

[R. S. Lala Labh Chand Mehra,]

on the economic condition of the province. I will not be wrong if I say that blinded by the power that the majority party in the Council possesses it is riding roughshod over the interests of the trading and the money-lending classes. Very unjust and retrograde provisions are being passed one after another without caring to see what harmful effect they will produce. Is this what my friends on the opposite benches call justice? Is this the way in which they propose to behave when provincial autonomy comes? I wonder how they can say with all their intellect and wisdom that the rate of $5\frac{1}{2}$ per cent. will tempt any money-lender to make advances of money. I challenge any of them to get a loan on the security of such a good property as stocks of grain at the rate of $3\frac{1}{2}$ per cent. from the Imperial Bank of India even in these days. If they can get me a loan on these terms, I shall admit defeat. But I am sure that the Bank will refuse outright to make any advance on such terms and conditions. It is only on Government bonds that we may get a loan at this rate from the Imperial Bank because these bonds can be converted into money at any time and the interest is collected regularly every six months from the Government. There is not the least inconvenience felt in realising money advanced against such bonds. Therefore it is abundantly clear that if we stick to this rate of interest, as has been decided upon, for all sorts of securities and in regard to all loans whether they are taken by a trader or taken expressly for purpose of trade or industry it will be unworkable. We shall be certainly placing insurmountable difficulties in the way of the growth of trade and industry. Let my friends pause and consider and let them not give this impression that they are believers in the theory of 'might is right'. If they continue to adopt this attitude, they will surely kill trade and force it out of the province. I wonder who has appointed them to protect the interests of the traders and shop-keepers. I would request them to please let these classes alone. They can themselves take care of their interests. They do not want the zamindars to help them in this matter at all. Before I close my speech I would request the honourable members on the opposite benches to exercise their judgment and to consider this question in a calm and dispassionate manner. And if they persist in this attitude of theirs, they will lead the whole province to a state of bankruptcy (*hear, hear*). With these words I give my whole-hearted support to the motions before the House.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non Muhammdan, Rural) (*Urdu*): Sir, in the course of his speech on the motion before the House the honourable member for Industry made one or two statements which have no basis in truth and which, I think, must not be allowed to go unchallenged. In the first place he was pleased to say that it was my desire that a sort of moratorium should be declared and that all debts of agriculturists should be wiped out with one stroke of the pen. This charge, I need hardly say, is entirely unfounded and I challenge the honourable member to substantiate it if he can. The other charge that he laid at my door is that I and my party are prepared to enter into any negotiations for a reasonable compromise with the opponents of this measure only on our own terms. That charge is also equally baseless and untrue. I have no hesitation in saying even at this late stage that we are prepared to meet half way the representatives of the money-lending classes if th

latter make up their mind to come the other half way with reasonable proposals for an honourable compromise. I shall go so far as to say that we shall be only too glad to meet our friends even more than half way if only we are assured of their readiness for an amicable settlement of this vexed problem. We must know that they are prepared to face this problem with the spirit of give and take. But if they are prepared to enter into negotiations with us only with the object of taking all they can and giving nothing in return, I am afraid we must fail them and we cannot make them realise their hopes. And I am sure that we cannot be blamed for this attitude of ours which we are compelled to adopt. I may also assure my friends on those benches that our demands are very simple and they can be very easily met if they only disabuse their minds of deep-rooted prejudices. What we want is to protect the interests of the agriculturists who are weak and helpless as against the sahkars and if that point is conceded I think, we can come to an understanding at any time. This makes our position clear and I think, after what I have said, it will not be difficult for any one to judge who is to blame and who is not.

I was a little surprised to hear the honourable member for Hoshiarpur, Mr. Nanak Chand Pandit, saying that he and his party were prepared to give their support to any and every measure intended to protect the interests of the agriculturists. May I point out to him through you, Sir, that the manner of their voting yesterday on some of the amendments to this Bill told a different tale ?

Mr. Nanak Chand Pandit : I did vote with the zamindars yesterday.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** There are some measures or some provisions in a measure which go to benefit those people also who are strictly speaking not zamindars in the ordinary meaning of the word and if my friend did vote for such a provision, he cannot claim any credit for it. He cannot say on that ground that he is always prepared to help the zamindars. Another astounding statement that he made was that if a measure like this were placed on the statute book, all the money in this province would go out of it to find its place in some other province of the country. I remember and I am sure that it will be within the recollection of other members too, that a similar statement was also made when the Regulation of Accounts Bill, now an Act, was being discussed. But we find that no such thing has happened and all the money is still where it was.

Mr. Mukand Lal Puri : It has actually left this province, at least a large portion of it to find its place in a neighbouring province.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I am aware that a part of the money of this province has been invested in the sugar factories beyond the Jumna river. But it is certainly not the Regulation of Accounts Act which has forced this money out of this province. I am sure that if sugar-cane could be had here in the Punjab in the same quantity and of the same quality and at the same price at which it can be had in Muzaffarnagar or Meerut to run sugar factories, that money would never have gone out of the province. That would have remained here for ever. Therefore, we need have no fears on that score. But even if it were supposed for the sake of

✓[R. B. Ch. Chhotu Ram.]

argument that the Regulation of Accounts Act has forced and that the proposed lower rate of interest will further force the money of the province to leave the Punjab to go beyond the Jumna or the Ganges or even beyond the Hughli, a majority of the population of this province will not be sorry, I am sure, for this exodus. They will be rather happy to see this money—which has proved so baneful for them and which has reduced them to the position of economic serfs and slaves—going out of the province. They will be better rid of it for ever. The same honourable member was further pleased to say that the rate of $5\frac{1}{2}$ per cent. will never promote trade and industry. It will rather retard their growth. I ask how many times I have to reply to this objection. You will remember, Sir, that I have replied to this objection more than once and if I were to cover the same ground over again, I shall certainly be only wasting the time of the Council. If Mr. Nanak Chand Pandit and his friends have decided to behave in this manner I can only liken them to those men who have eyes to see but who will not see, who have ears to hear, but who will not hear. It is no fault of mine.

The Honourable Dr. Gokul Chand Narang : But the rate may be even less than $5\frac{1}{2}$ per cent.

✓**Rao Bahadur Chaudhri Chhotu Ram :** The possibility of this rate of interest going down is very remote, but the chances of its going up are much greater. Therefore it is no use harping on the same tune again and again and saying over and over again that the rate will be $5\frac{1}{2}$ per cent. It certainly is not to remain stationary and as I have said there are greater chances of its going up.

This brings me to the question whether the amendments now before the House should be accepted or not. The main reason that has been urged in support of these amendments is that trade will suffer if clause 5 is made to apply to all loans advanced to traders or shop-keepers. I admit that it should be the concern of us all to see that trade does not suffer by any act of legislation. I may assure my honourable friends on the opposite benches that we on this side are as anxious to see the trade flourish as any one can be. We do not want that we should do anything by which trade should receive a set back. Such an intention, I need hardly say, is farthest from our minds. We shall be only too glad to help in removing all handicaps in the way of trade. What we want is that in our solicitude for trade we should not create any loopholes in this measure and thereby frustrate the avowed object with which this measure has been brought forward. My fear is that if the provisions of this part of the Bill is not to apply to a trader, contractor or to a shop-keeper or to a loan expressly borrowed for purposes of trade or industry, a very serious loophole will be created in the Bill. To illustrate my point I may say that if a person requires a sum of Rs. 100 or Rs. 50 and asks for a loan of that amount from a money-lender, the latter will very likely ask the borrower to write in the bond that the money is required for running a shop or for trade in cattle and the like although the money was in fact required for ordinary agricultural purposes. Thus it will be very easy for money-lenders to evade the provisions of this Bill. And as you are aware, Sir, it will not be very difficult for any money-lender to have such a condition inserted in the

✓ bond. The borrower too will readily bind himself to such a condition because of his need for money. It is for this reason that I cannot persuade myself to accept the first amendment. It is our desire to do all that lies in our power to guard against any such misuse of the provisions of this Bill and we do not want to let in anything which should nullify the effect of any of the provisions of this Bill.

I object to the second amendment on the same ground. I know that it will not be very difficult to find out whether a man is a resident within the limits of a municipal committee, notified area or a small town committee. But the question is how he will resist the demand of a money-lender for the insertion of an admission in the bond that the money required by him is for business and trade. Therefore, it is advisable that we should refuse to accept this amendment as well. As to the third amendment my objection is that in the absence of any clear definition of the word 'agriculturist' in any clause of this Bill, it is not safe to accept this amendment. We have not yet decided as to who will be given that status and who will not and what considerations will weigh with us in conferring that status on any individual. Besides there are other grounds on the basis of which this last amendment can be reasonably opposed. One of these reasons is that we do not want to create, by accepting this amendment, any class or caste distinction. I wonder how my friends on the opposite benches can move for the acceptance of such an amendment.

Diwan Bahadur Raja Narendra Nath: But how does that question of class or caste distinction arise here?

✓ **Rao Bahadur Chaudhri Chhotu Ram:** Is it not a fact that the Hindu Sabha group has raised an objection many a time against the attitude of some of the members of this Council and said that in nearly every session of the Council the question of affording relief to the agriculturists is raised and that occupies most of the time of the Council? Is it not a fact that the members of that group have insisted that steps should be taken to end the controversy between agriculturists on the one hand and non-agriculturists on the other? It is not only a fact, but a glaring fact and in the face of it it does not lie in the mouth of my friends to ask the Council to accept this third amendment.

Only a few days back these very honourable members argued that as the problem of indebtedness is an all-India problem, the Government of India should take steps to bring in some such measure and not the Punjab Government. They wanted a law which may be applied to the whole of India and to all classes of Indian people. They said that as the Usurious Loans Act was applicable to the whole of India its amendment should be undertaken by the Central Government. In other words, it meant that the provisions of such a Bill should be made applicable to all the provinces and to all the people. I wonder at this change in the attitude of the honourable members opposite. Now they want that the application of the provisions of this Bill should be limited to agriculturists only.

Then, there is the question of the uniformity of the law. Here in the Punjab, it is not only the agriculturists who are groaning under the crushing weight of indebtedness, but there are other classes also who are equally

✓ [R. B. Ch. Chhotu Ram.]

suffering at the hands of the money-lending classes. The honourable members opposite want us to believe that these classes of non-agriculturists are not indebted, while as a matter of fact, they are. I want to read a few sentences from a letter which I received some time back. But would it not be better if instead of reading it I hand it over to Pandit Ji so that the time of the Council may not be wasted?

Mr. Nanak Chand Pandit : If the honourable member gets this letter mounted and presents it to me I might condescend to read it.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I have lost all respect for the personality of Pandit Nanak Chand as a Brahmin. So it would be futile to expect me to get this letter mounted in order to present it to Pandit Ji. This letter reads :—

گزارش ندوی کی یہ ہے کہ آجکل قرضہ بل کی مخالفت

Mr. Mukand Lal Puri : It is not a forged letter I suppose.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I knew the suspicious nature of my friend. So I have preserved the envelope with the postal seals on. I will read one more sentence from this letter which is :—

مذا ہے کہ ڈاکٹر گوگل چند نارنگ بھی اس کے مخالف ہیں۔ میں ان سے
پوچھتا ہوں کہ جو کوئی ہے۔

Mr. Nanak Chand Pandit : Why do they write to Chaudhri Chhotu Ram and not to other members?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Because they know I am in favour of this Bill and some other members are not. This gentleman told me that he would go to Doctor Sahib.

The Honourable Dr. Gokul Chand Narang : But he has not come to me.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Perhaps he thought the Honourable Minister was very hard-hearted. Sir, I was saying that my learned friend was in favour of a law which may be uniform all over India, but now he has changed his attitude.

The Honourable Dr. Gokul Chand Narang : Sir, he has no business to write anything about me.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Sir, I was saying that my honourable friends have changed their attitude. (*Interruptions*). Here is the letter. The honourable member can read it after 6 P. M., when the Council adjourns.

The Honourable Dr. Gokul Chand Narang : This document should go into the proceedings. I think that is the practice. I am asking you formally to have the document laid on the table. I think this request of mine should be complied with for another reason also, so that no people may have the temerity to write to any member against any individual without having seen that individual at all. That may amount to defamation in certain cases.

Rao Bahadur Chaudhri Chhotu Ram : This letter was written by one Sohni Lal c/o Seth or Lala Pars Ram, Magistrate, Multan city, in June last.

The Honourable Dr. Gokul Chand Narang : You mean in the previous *joon* (birth) ?

Rao Bahadur Chaudhri Chhotu Ram : No, in this *joon* in which were born in the Punjab men of distinction like the Honourable Minister. Coming to the point which I was explaining, I would like to say that some honourable members who are so fond of the uniform application of this Bill and who repeated so many times the argument that as the Usurious Loans Act was an all-India law its amendment should be undertaken by the Central Government and not by this local Council, have now changed their attitude and say that the application of this measure should be limited to agriculturists alone and all other classes should be excluded from its benefit. (*Interruptions*). Is my religious belief under discussion at present? The Honourable Dr. Sahib believes in caste by birth although in theory he does not.

The Honourable Dr. Gokul Chand Narang : I only tried to explain that caste legislation was objected to and I explained that distinction depends upon birth. Any one can be a trader but under a certain Act no one can be an agriculturist unless he is born so.

Rao Bahadur Chaudhri Chhotu Ram : Sir, with these words I resume my seat.

Rai Bahadur Mr. P. Mukerjee (Punjab Chamber of Commerce and Trades Association, Commerce) : Sir, I have always listened with great interest and attention to what the Leader of the Unionist Party has said, but in this particular instance I must express a disappointment. The only argument that he has adduced against the amendment proposed by the honourable member for Industries is that the party to which he belongs has not accepted his previous amendments and that it is, therefore, that he will not accept it. He has not advanced any other argument in favour of his proposition. The present amendment to my mind is a very innocuous one. When I was speaking in respect of Mr. Robert's amendment as to the interest that should be applicable I made it perfectly clear that the operation of this Bill as I understood it then would be restricted to a certain class of people, meaning thereby the agriculturists. I think that since lawyers of standing like the honourable the mover of the amendment and the honourable member from Gujranwala did not agree with my view I am convinced now that the operation of the Bill is not restricted to the agriculturist alone but would be wider in its application. This view is confirmed by the fact that the term "debtor" as it appears in the preamble of the Bill is not defined, but the definition of the word "debtor" comes later on, and that definition cannot by any means apply to the entire provisions of the Act. This being the case I must say with respect that what the Council has passed so far in the matter of interest, in the matter of insolvency procedure and other matters will tend to hamper trade and industry of this province and I cannot in any case be a party to it. With these remarks I think it is essential that the amendments, at least the first one, should be passed.

Sardar Sahib Sardar Ujjal Singh (Sikh, Urban): Sir, I only want to say a word or two on the second amendment of Mr. Puri. I would say at the outset that I am in full sympathy with the provisions of the Bill and I do not want anything to be done by which the object of the Bill is defeated, but at the same time I do wish that in our zeal to protect the indebted classes we may not do anything by which trade and industry of the province is crippled. Sir, yesterday we passed an amendment limiting the rate of interest on secured debts to 2 per cent. above the bank rate. At present the bank rate is $9\frac{1}{2}$ per cent. I fully understand the implication of calculating that rate of interest on previous loans which will have to be calculated on the then prevailing bank rate of interest, but it cannot be said that the rate of interest at which loans will have to be raised now will be higher than $5\frac{1}{2}$ per cent. interest unless the bank rate goes up. It is common knowledge that no man with even good credit is able to raise loans from banks on the security of immovable property at less than 9 per cent. (*Hear, hear*). All traders and business men in these days do raise loans at 9 per cent. in order to make more money and in order to promote industry and business in this province. If we limit this rate of interest to business men also, the result will be that those business men who have not sufficient credit to enable them to raise loans from banks will not be able to carry on business. There is a large number of such people who have not sufficient credit at their back that they can at all times raise loans through banks. They have therefore necessarily to fall back upon private individuals who have sufficient capital and who at times are willing to advance capital to *bond fide* business men. If this amendment is limited to residents of municipalities, I think the object of the Bill will not be defeated and yet we will not be putting hindrance in the way of trade and business. I will therefore appeal to the honourable leader of the opposition to accept this amendment in that spirit so that there may be a way for genuine business men to do their business. It is always said that our province is poor not because agriculture is backward, but because business is poor, because industry has not been sufficiently developed. Let us not do anything further by which the development of industry and trade is retarded.

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadan, Urban) (*Urdu*): Sir, it was my intention not to speak on this motion. But a few words that were uttered by the honourable member Chaudhri Chhotu Ram pinched me and I was forced to make a few submissions before the House. The honourable member said that the money advanced to the zamindars as a loan in the long run ruins them. Other honourable members also said similar things. But I want to remind them that this money regarding which at present they are saying such poignant things is the means by which they have become Rao Bahadurs, Nawabs, and Kanwars. All the zamindar members who are here today occupying their seats got admission to this House as honourable members by the help of the money lent to them by the sahu-kars. The sahu-kars' money makes them members of the provincial councils and the Assembly. Still the honourable members say that that money strangles them. When these honourable members seek election to the district boards or other local bodies, they go to the sahu-kars, request them to advance loans so that they may be able to fight the election.

campaigns. They also take along with them other gentlemen who recommend their case to the sahukars and assure them the safe return of their money. Had there been no sahukars the sons of the zamindars could never have become barristers, and members of responsible posts like those of the I.C.S. They could not have even dreamt of these things. If these members could have the courage to forego all the facilities which they enjoy by the help of the money of the sahukars, there would have been no necessity for bringing this Bill before the House. The Bill has been brought before the House because the honourable members on the one hand do not want to forego all the privileges which they have earned by the help of the sahukars' money, and on the other do not want to pay it. If the honourable members really want that the zamindars should stop borrowing from the sahukars then they should bring forward a Bill providing that the zamindars, if found borrowing, should be hauled up before courts and punished. Let them make borrowing a crime in order to stop the zamindars from taking loans. But they do not want that. They want to continue to borrow but do not want to pay back. Another member of the Unionist party said that the sahukars were not *sudkhors* but *mardumkhors*, that is, cannibals. These very honourable members, when they require the help of the sahukars, become very submissive, as submissive as sons, but later on when the work is done and they no longer stand in need of the help of the poor sahukars, they change their attitude. When in need, they would go to the sahukar and tell him "look here, *shahji*, the land revenue is to be paid, the *abiana* is also due, please do give some money and save us from the impending ruin". The sahukar takes pity and advances the loan. But as soon as the need is fulfilled the zamindars turn against him and call him a blood sucker. All that is being done today in this House is done on account of the strength of the majority, but the majority cannot succeed in things which are illegitimate and against all notions of law and justice. A majority cannot succeed by a crime. The honourable members will surely get this Bill enacted as law, but later on this very crime which they are enacting now will turn upon them. They will themselves realise their mistake. At present they are only feeling jubilant for they think they are being rescued from all responsibility, and being set free from all liabilities and encumbrances. But later on they would rue for this. I am reminded of an anecdote in this connection. Once all the parts of the body became jealous of the stomach and agreed to non-co-operate with it. The hands refused to lift food towards the mouth. The mouth refused to swallow any food or drink. This strike on the part of the body against the stomach went for some time but then the parts began to feel weakness. This made them realise the whole position. They found that the starvation of the stomach was in reality their starvation, for the stomach passed the food on to them in order to keep them in condition. If the zamindars are the back bone of the country the sahukars are the heart of the country. If you ruin the sahukars, their ruin would mean the ruin of the zamindars. With these words, I resume my seat.

Mr. President : The question is—

That the question be now put.

The Council divided: Ayes 56; Noes 12.

AYES.

Abdul Ghani, Shaikh.	Mubarak Ali Shah, Sayad.
Afzal Haq, Chaudhri.	Muhammad Abdul Rahman Khan, Chaudhri.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Muhammad Amin Khan, Khan Bahadur Malik.
Akbar Ali, Pir.	Muhammad Hasan, Khan Sahib Makhdum Shaikh.
Allah Dad Khan, Chaudhri.	Muhammad Husain, Chaudhri.
Anderson, Mr. J. D.	Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Arjan Singh, Sardar.	Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
Bahadur Khan, Sardar.	Muhammad Raza Shah Gilani, Makhdumzada Sayad.
Beant Singh, Sardar Sahib Sardar.	Muhammad Sadiq, Shaikh.
Bourne, Mr. F. C.	Muhammad Sarfaraz Ali Khan, Raja.
Boyd, The Honourable Mr. D. J.	Murphy, Mr. A.
Buta Singh, Sardar Bahadur Sardar.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Chhotu Ram, Rao Bahadur Chaudhri.	Muzaffar Khan, Khan Bahadur Captain Malik.
Faqir Husain Khan, Chaudhri.	Noor Ahmad Khan, Khan Sahib Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Nur Khan, Khan Sahib Risaldar Bahadur.
Fazl Hahi, Khan Sahib Shaikh.	Nurullah, Mian.
Ferguson, Mr. J. A.	Rahim Bakhsh, Maulvi Sir.
Firoz Khan Noon, The Honourable Malik Sir.	Ram Sarup, Chaudhri.
Garbett, Mr. C. C.	Ram Singh, 2nd-Lieut. Sardar.
Gokul Chand Narang, The Honourable Dr.	Riasat Ali, Chaudhri.
Grindal, Mr. A. D.	Roberts, Mr. W.
Gurbachan Singh, Sardar Sahib Sardar.	Sheo Narain Singh, Sardar Bahadur Sardar.
Haibat Khan Daha, Khan.	Sikander Hyat-Khan, The Honourable Captain Sirdar Sir.
Hearn, Mr. J. W.	Umar Hayat, Chaudhri.
Jawahar Singh Dhillon, Sardar.	Zaman Mehdi Khan, Khan Bahadur Malik.
Jogendra Singh, The Honourable Sardar Sir.	
Kesar Singh, Rai Sahib Chaudhri.	
Latifi, Mr. A.	
Macfarlane, Mr. D.	
Marsden, Mr. P.	
Mayadas, Mr. Ernest.	

NOES.

Bhagat Ram, Lala.	Narendra Nath, Diwan Bahadur Raja.
Chetan Anand, Lala.	Nihal Chand Aggarwal, Lala.
Labh Singh, Mr.	Pancham Chand, Thakur.
Lekhwati Jain, Shrimati.	Pandit, Mr. Nanak Chand.
Mamraj Singh Chohan, Kanwar.	Ramji Das, Lala.
Mukand Lal Puri, Mr.	

Sewak Ram, Rai Bahadur Lala.

The Honourable Mr. D. J. Boyd : Perhaps before the question is finally decided—

Mr. President : Does the Honourable Member wish to reply ?

The Honourable Mr. D. J. Boyd : Yes, Sir.

Mr. President : But the Honourable Member has no right of reply unless the mover of the amendment gives a reply.

Mr. Nanak Chand Pandit : In the case of amendments who has got the right of final reply, the mover of the amendment or the Government member ?

Mr. President : After the passing of a closure motion it is in the discretion of the Chair to allow any member any right of reply which he may have under the standing orders in force (see the proviso to Article 66 of Business Manual). In the case of amendments proposed to Bills, the mover of an amendment has a right of reply (proviso to Article 64 (3)). So if, after a closure motion is carried the Chair allows the mover of an amendment to give a reply, under Article 64 (3), the Government member, to whose departments the matter relates, shall have the right of final say, but not otherwise.

Mr. Mukand Lal Puri : I have no desire to make a lengthy speech but I wish to refer to one or two remarks which the honourable member from Rohtak made. He said that at the time when the Punjab Regulation of Accounts Act was being discussed it was asserted that the capital would become scarce in this province and that therefore credit would be impaired, whereas nothing has happened. I am surprised that he is so ignorant of the evil effect of this Act. I assert with a full sense of responsibility and after careful study that the effect of the passing of the Regulation of Accounts Act has been to impair rural credit a great deal, perhaps even beyond redemption. Some of the present day troubles with which we are confronted are due to that Act which has done absolutely no good to the zamindars except to impair their credit. I am afraid the contention of Mr. Labh Singh that capital would find more remunerative avenues of investment has not at all been met by the leader of the debtor classes. The chief ground on which he opposes my amendment is that some portions of it leave a loophole for evasion. That is hardly a ground on which a salutary provision should not be accepted. Fixing of rates, as is the universal experience all over the world, has always led to evasion. But has it prevented my honourable friends from insisting on the fixation of rates or has it induced any member of the House not to insist upon fixing of certain rates on the ground that they might be evaded ? I am prepared to meet my honourable friend on his own ground and I say minimise the chances of evasion as far as you can and as far as is humanly possible. Now the first amendment which I propose is that part of the Act shall not apply to loans advanced to a trader, contractor or shop-keeper. So far he even did not find any loophole for evasion. The further words, "or to a loan expressly borrowed for purposes of trade or industry" seem to him to be capable of being evaded. In my opinion they are not and they are expressly designed to lessen the chances of evasion. The word "expressly" is specifically put in there to minimise the chances of evasion. But if there is any objection to them I am prepared to omit these words, so that my present amend-

[Mr. Mukand Lal Pari.]

ment will only read :—

The provisions of this part of the Act shall not apply to loans advanced to a trader, contractor or shop-keeper.

My next amendment is, that part III of the Act shall not apply to loans advanced to persons residents of or carrying on business within the limits of a municipal committee, notified area or small town committee. Sir, people have expressed a desire that the exclusion of notified areas and small towns might bring in some agriculturists. I have no apprehension of this kind and as just pointed out by Mr. Nanak Chand Pandit, they are included because trade and industry deserve special encouragement in those places. But if those words are objected to I omit the words "notified area or small town committee" also from the amendment.

My third amendment is that part III of the Act shall only apply to loans advanced to agriculturists who are residents of rural areas. I submitted to start with that this is only an alternative to the first two amendments. If you accept the first two amendments, the need for the third does not arise. But if you have any objection to the first two amendments, the third is comprehensive enough to include every agriculturist who is dependent upon agriculture. Of course it would exclude people who live in towns and who may be only agriculturists in name but whose main occupation may be something else. (An honourable member: What about Khan Bahadur Sardar Habib Ullah?) If it excludes Sardar Habib Ullah or Chaudhri Zafrulla or even Mian Nurullah, these are not the persons for whom relief is intended and our main grievance is, that you intend to give relief to those who do not need relief. Does Sardar Habib Ullah need any relief? A man who has got any commercial or industrial interests would find himself considerably hampered and embarrassed by being a member of a notified tribe. Sardar Habib Ullah may have greater assets than a person who is not a member of an agricultural tribe but the latter's credit may be higher. He can borrow from a bank or a sahukar at a much cheaper rate than Sardar Habib Ullah even though possessing land ten times those of a non-agriculturist because they will not be available for security while everything that a non-agriculturist possesses is available as security for loan. Therefore no harm is done if people of that description are excluded. My submission before this House is that this amendment has been drafted to extend the operation of this part of the Act to *bona fide* agriculturists alone. But as I have already said, I am prepared to omit the words "or to a loan expressly borrowed for purposes of trade or industry" from my first amendment. This I think should meet with the approval of the majority party in the House, if their object is, as expressed by some of them to exclude traders and urban people from the operation of this part of the Act, and to confine it only to *bona fide* agriculturists.

The Honourable Mr. D. J. Boyd (Finance Member): I think it is quite obvious that Government cannot accept these amendments in their present form. The very fact that the honourable mover has agreed to make several amendments in these amendments shows that they are not in a form which is immediately acceptable. The question then is, is it worth while to adjourn the meeting to come to a compromise? Personally I think the hopes of a compromise are very slender indeed, not merely because

of the bias or the attitude of the members towards what is proposed, but because of the inherent difficulty of defining agriculturists, for instance. The difficulty is so great that the select committee had to abandon it and try an entirely different line of approach. They had to invent the term "debtor" in order to get rid of the difficulty of defining agriculturists. That difficulty will be as strong as ever, if negotiations are entered upon in order to come to some settlement on the amendments now before the House. Again an amendment of this kind will give rise to difficulties which are not easy to foresee. For instance, the honourable mover himself in good faith put in the word "expressly". That was at once taken hold of by members of the various parties who said that by merely making an entry in a *bahi* or bond in the terms of this amendment the debt would escape the provisions of the amendment of the Usurious Loans Act. I foresee that there will be very great difficulties, possibly insuperable difficulties, in reaching any workable agreement. But apart from that I think we should look at this question from a broader point of view. The Usurious Loans Act is an Act of absolutely general application and amendments to it, if passed, should be kept of a general character. It may be objected at once that I have myself moved an amendment excluding banks and banking companies from the scope of the Act. I think you will remember that in the original Bill no such exclusion was made and Government had not the slightest intention or desire to make any exclusion whatever, but in the select committee when the rates of interest that should be considered excessive were considered and the banks made an appeal to Government to be exempted from these provisions, it was then that the Government agreed to do so. It is a very exceptional exception and I think it is surely undesirable to extend the exceptions and make further exemptions. If longer notice had been given of this amendment it might have been possible to consider them fully and to consider them as a Government, but we had no such opportunity. In such circumstances, I must give my voice for the *status quo ante*. That is another reason why it is impossible at such a short notice to commit Government to any negotiations or to any change in the Bill as it was originally drafted. (*Hear, hear*).

Mr. Nanak Chand Pandit : I think time might be given to members of the Council to come to some understanding. If an understanding is arrived at, it would be very good for all of us. There is a desire to come to some sort of understanding. If it is possible, I shall request that the question of adjournment be now put.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** There can be an amending Bill if we come to a compromise later on.

Shaikh Abdul Ghani : After having heard the Government point of view, I do not think there is any need to adjourn for the purpose of a compromise.

Sardar Jawahar Singh Dhillon : In my opinion time should be given and if there is any possibility of arriving at any compromise, we should not miss it. We can again discuss this question day after to-morrow.

(*Mr. President then ascertained the opinion of the House by asking those in favour and those against the adjournment to rise in their places. Twenty five were for and 25 against it. Upon this the Council was adjourned till 2 P. M. on Thursday, 15th November 1934.*)

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Thursday, 15th November 1934.

The Council met at the Council Chamber at 2 P.M. of the clock. Mr. President in the chair.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

New clause to part III.—concluded.

Mr. President : Question is—

That the following be added to Part III :—

The provisions of this part of the Act shall not apply to loans advanced to a trader, contractor or shop-keeper, or to a loan expressly borrowed for purposes of trade or industry.

The motion was lost.

The Honourable Mr. D. J. Boyd (Finance Member) : May I be allowed to correct a statement I made in the last meeting. Owing to the short notice given of these amendments which have been passed by us, it was impossible to prepare properly for them and I regret to say that I did not notice the provisions of sub-section (3) of section 1 of the Usurious Loans Act which lays down that the local Government may by notification direct that this Act shall not apply to any area, class of persons or class of transactions which have been specified in that notification. I said that the Act is of general application and I want to correct that statement by drawing attention to that sub-section of the Act.

Mr. President : Question is—

That the following be added to added part III :—

The provisions of this part of the Act shall not apply to loans advanced to persons residents of or carrying on business within the limits of a municipal committee notified area or small town committee.

The motion was lost.

Mr. President : Question is—

That the following be added to part III :—

The provisions of this part of the Act shall only apply to loans advanced to agriculturists who are residents of rural areas.

The motion was lost.

Mr. Nanak Chand Pandit : I seek your permission to move the two amendments¹ which stand in my name.

¹The following be added to part III :—

The provisions of this part of the Act shall apply to a person who is a debtor as defined in the Act.

²The following be added to part III :—

The provisions of this part of the Act shall not apply to loans advanced to persons residents of or carrying on business within the limits of a municipal committee.

Mr. President : Very many amendments relate to the definition of the word "debtor" and none of these has been moved and disposed of yet. Thus the word is not defined yet finally; while the honourable member's motion depends upon the definition of that word. Does the honourable member mean that whatever the definition of the word "debtor" his amendment will fit in?

Mr. Nanak Chand Pandit : Whatever is ultimately passed.

Mr. President : I am afraid I cannot agree.

Mr. Nanak Chand Pandit : So far "debtor" is defined in clause 7.

Mr. President : The honourable member is assuming that the definition of the word "debtor" as given in the Bill will be accepted by the House. His amendment is probably based on that assumption.

Mr. Nanak Chand Pandit : The provisions of the Bill shall apply to a person who is a debtor as set below. Debtor means a person who owes debt or debts—

Mr. President : But that is a question for the decision of the House.

Mr. Nanak Chand Pandit : This is how I define it. I do not say as defined in this Bill, but I say this is the definition which I adopt.

Mr. President : The honourable member may move his amendment at a later stage.

Mr. Nanak Chand Pandit : Very well, I will move it later.

Mr. President : Provided he is in order. I do not commit myself.

Mr. Nanak Chand Pandit : I know how to make it in order next time.

Mr. President : As regards the second amendment, it is the same as Mr. Puri's amendment minus the last six words.

Mr. Nanak Chand Pandit : It is not an amendment. I can move any amendment when Mr. Puri's amendment has been disposed of.

Mr. President : After the House has decided that a certain clause stand part of the Bill, a member may move the addition of certain words to the clause, but he cannot move the deletion of any words from that clause.

Mr. Nanak Chand Pandit : What prevents me from moving this as a substantive clause?

Mr. President : Which is exactly the same, with the exception of last six words. The honourable member could have moved that these words be left out from Mr. Puri's amendment when it was being discussed.

Mr. Labh Singh : Perhaps the difficulty does not arise. The term debtor has been defined in part III.

Mr. Nanak Chand Pandit : What I am submitting is that there is nothing to deter me from moving it as an amendment.

Mr. President : Will not the same arguments be advanced in support of his amendment?

Mr. Nanak Chand Pandit : Let me make myself clear. I will show that not one argument applies to it.

Mr. President : If the honourable member were allowed to move his amendment, it shall have to be proposed from the Chair and once it is before the House, every member will be entitled to discuss it. Then with the exception of the last six words it will be the same motion as was discussed on the last day.

Mr. Nanak Chand Pandit : That makes the whole difference.

Mr. President : I am afraid I cannot allow it.

Part IV.

Mr. Mukand Lal Puri : I beg to move—

That the provisions of Part IV of this Bill be deleted.

Mr. President : The honourable member's motion is out of order. I will call the number of each clause separately.

The Honourable Dr. Gokul Chand Narang : Will you not propose from the Chair that part IV of the Bill be passed ?

Mr. President : No. A Bill reported on by a select committee is considered in two ways: (i) by amending some or all of the clauses of the Bill and (ii) by adding or deleting clauses. An addition or deletion of a clause is an amendment of the Bill, while verbal amendments are amendments to clauses. So, the first thing we ought to do is to amend clauses, amendments to which have been received. After amendments to clauses are disposed of, we will proceed to take up amendments to the Bill, that is to say, after the amendments to each clause are disposed of, the clause will be put to the vote of the House and accepted or rejected according to the decision of the House. I may repeat that the deletion or addition of a clause is an amendment of the Bill, not of the clause.

The Honourable Dr. Gokul Chand Narang : I only want to ask for my information. Supposing you say that clause so and so stand part of the Bill, and it is carried, is it open to any one to say that it be omitted ?

Mr. President : No.

The Honourable Dr. Gokul Chand Narang : How can you then say that first of all the amendments should be considered ?

Mr. President : If no notice is received of an amendment or amendments to a clause or clauses or if amendments though tabled are not moved, or are moved and rejected, that is to say, if a clause or a series of clauses are unaltered by the Council, it is open to a member to oppose the passage or move the deletion of such clause or clauses. But once the motion that a clause or certain clauses stand part of the Bill is carried, a motion to delete that clause or clauses cannot be allowed. Further, the proposed motion, if allowed, will affect the principle of the Bill.

Mr. Nanak Chand Pandit : I submit that the principle of the Bill will not go. Part IV is not the real part of the Bill. For, it will be seen that Government have reserved for themselves the right to apply the provisions of part IV to certain areas as a sort of experiment and if you will just permit me to explain to the House the amendments which have been carried, Professor Roberts' motion, clause 6 of the Bill which has been passed, those really are at the bottom of the Bill. The main object of the Bill is to give

[Mr. Nanak Chand Pandit.]

relief in the rate of interest and to apply that relief to all pending suits. Part IV is merely in the nature of an experimental measure which Government wishes to try in certain areas. It may succeed or it may not. The real principle of the Bill is that which underlies part III and not part IV at all because it is open to Government not to apply this part to any area. And in view of the fact that so many clauses have been passed which cut down the rates of interest, which modify the Usurious Loans Act and which make the Bill applicable to pending suits, the entire principle of the Bill has been covered already.

The Honourable Mr. D. J. Boyd : Our opinion is that the omission of part IV would destroy the principle of the Bill.

Mr. Nanak Chand Pandit : There is no question of opinion. It is a point of order.

Mr. President : For reasons already stated and also because if allowed the motion will destroy the principle of the Bill, I rule it out of order.

Mr. Labh Singh : As it is a very important point, I shall with your permission just read one sentence which will clear up the issue from the speech made in Council by the Honourable Finance Member. Remarks were made in the same tenor by Sir Henry Craik.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** If I am able to remember the words which have been referred to by Mr. Labh Singh in the speech of the Honourable the Finance Member, they were that if the House came to the conclusion that this portion of the Bill should be omitted then the Government would not regard it as absolutely essential.

Mr. Labh Singh : I have got the report here. The lines to which I wish to draw attention are at the bottom of page 82 of our Debates. The Honourable Finance Member says:—

So also with regard to conciliation boards. Government themselves do not regard this as a solution of the problem. They are frankly not able to form an estimate of the benefits that may result from them. They consider that they may provide a possible means of relieving the problem in some districts. If, however, the Council considers that they will not serve any useful purpose, Government will not regard them as an absolutely essential part of the measure. (Punjab Debates, dated 26th June, 1934, pages 82-83).

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Now with the exact words of the Honourable Finance Member before us I think we are in a better position to form an estimate of what the Honourable Finance Member meant. He said that if the House considered that this part of the Bill would not serve any useful purpose then Government would not regard it as an absolutely essential part of the Bill, meaning thereby that if the House came to the conclusion that this part should be deleted, Government would not refuse on that ground to proceed with the rest of the Bill.

Mr. Nanak Chand Pandit : May I also put an interpretation on the words of the Honourable Finance Member? The definite opinion of Government is here, without any kind of modification. The honourable member says, Government themselves do not regard this as a solution of the problem. There is nothing said about the opinion of the Punjab Legislative Council. The opinion of the Government is given here in these words.

The Honourable Mr. D. J. Boyd : There is no *complete* solution of the problem.

Mr. Nanak Chand Pandit : I am reading from the official report of the speech. There is no word "complete" here. Government are frankly not able to form an estimate of the benefits that might result from conciliation boards. If the Council considers that they will not serve any useful purpose, Government will not regard this part as an essential part of the Bill. That certainly is complete by itself. It is an emphatic declaration on the part of Government. But you cannot get over what was stated in the first part of the quotation, that Government themselves do not regard conciliation boards as a solution of the problem.

Mr. President : As notices have been received of a number of amendments to each clause, each clause has to be taken up separately. Had no amendments been tabled to the various clauses any number of such clauses might have been taken up together and their retention or rejection decided on a single motion. The case now before the House admits of each clause being dealt with separately.

Mr. Nanak Chand Pandit : That is certainly one method. But that takes a longer time. That means objection to every clause in this part. But if that appeals to the House we have no objection to adopting that course.

Clause 7.

Mr. Mukand Lal Puri (Punjab Industries) : I move—

That in clause 7, sub-clause (1), the words "secured or" be omitted.

I raised this question in the select committee as to what the conciliation boards are expected to do with respect to secured debts. Would it be possible for them, would it be permissible for them, for instance, to entirely disregard the security and proceed to some kind of settlement between the debtor and the creditor? We find from the various provisions of the Bill that the conciliation boards are not given any guidance in this matter.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I am very sorry to interrupt the honourable member but with your permission I want to make the position of Government quite clear with regard to the point of order raised by Pandit Nanak Chand. So far as we on these benches are concerned, we will have no objection to the whole of this part being put to the Council together. If it is omitted by the Council, Government will not drop the Bill. We would be perfectly willing to proceed with it and go on with the consideration of the remaining parts of the Bill. It was important that I should make the position of Government quite clear and I am grateful to you, Sir, for allowing me to do so.

Mr. President : I have given a detailed ruling on the point. I am not aware of any law under which a motion that twenty, thirty or forty clauses of a Bill be omitted. Each clause has to be taken and not the whole Bill nor a part of it comprising so many clauses.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I am not questioning your ruling Sir, I merely wanted to make the position of Government clear.

Mr. President : Had no amendments to the various clauses comprised in this part of the Bill been tabled, I would have gladly put the whole part and the motion under discussion would have been in order. But the difficulty now is that there are amendments to almost all clauses and I am obliged, therefore, to put each clause separately, so that its amendments may be disposed of.

The Honourable Dr. Gokul Chand Narang : What is now before the House?

Mr. Mukand Lal Puri : My amendment that in clause 7, sub-clause (1), the words "secured or" be omitted. These conciliation boards have been constituted and they have not been given any guidance in the matter whether they are to follow the rules of contract law or whether any principles of transfer of property are to be followed by them or whether any rules of Hindu law or Muhammadan law or customary law are to be observed by them, or whether they are to be guided by any rules of equity or whether they are to be left entirely to common sense. The point which I raised before the select committee was, what would the conciliation boards be permitted to do with a secured loan? If a person has got a mortgage of the house, would he be able to realise the full amount from that security and would only the balance of the security be available for being dealt with by the conciliation board or would it be open to a conciliation board in a particular case to disregard the security altogether? On that point so far as I am able to remember, the select committee was not able to come to any conclusion. Although I thought that the secured loan would not be dealt with by the conciliation boards, still as a doubt was raised on that point I think it is best to clear our position on that point. I, therefore, suggest that the debts which should be placed before a conciliation board should only be unsecured debts. The secured creditor should be free to realise his security. I, therefore, move that the words "secured or" be omitted from the definition of debt.

Mr. President : Clause under consideration, amendment moved—

That in clause 7, sub-clause (1) the words "secured or," be omitted.

Mr. J. D. Anderson (Legal Remembrancer) : Sir, I hope that the House before coming to any conclusion about this amendment and other amendments of the same kind will consider the whole principle which underlies this part of the Bill—part IV. To make my meaning clear I fear that I must repeat certain truisms which we ought to know. The Punjab's basic industry is agriculture. The bulk of the land is under the ownership of a multitude of small cultivators. Those small cultivators for certain reasons—economic, climatic and social—required credit and have been encouraged to take credit. That credit has been based largely on the value of the produce of the holdings. While prices were high, while wheat was selling at anything between Rs. 4 and Rs. 6 per maund, the amount of debt expressed in terms of money though not in terms of produce increased enormously. Both debtors and creditors miscalculated. The price of agricultural produce has now fallen and wheat is selling somewhere about Rs. 1-12-0 a maund. As soon as prices fell, it became impossible for the ordinary cultivator to keep on terms with his creditors. In actual fact there has been something like a moratorium for the last three years or so. Meanwhile interest has continued to be credited on paper to the account and the result is that the

debts of the agriculturists have now swollen to fantastic figures. Every one knows that no one can pay in full—the debtors know and the creditors know. But because we live in a human world where people consider their own advantage first, every one wants to get what he can. It is not always possible for creditors even when they realise the hard facts of the situation, to come to an amicable agreement. To help them Government has now introduced this measure to appoint conciliation boards and under clause 15 the duty of these boards is to do their best to encourage debtors and creditors to come to an amicable settlement of their problems. If they are to come to an amicable settlement it becomes absolutely essential that all debts should be before the board. If once there are privileged classes of creditors, then we may just as well not try this experiment of having these boards. If you are keeping out secured creditors, if you are keeping out creditors who hold decrees, then the whole of this part of the Bill is of necessity infructuous.

Mr. Mukand Lal Puri : Sir, I do not wish to press my amendment. My only object was to know the position of the Government on the point and that I now understand to be that the secured debts will not be considered as secured by the conciliation boards.

The amendment was by leave withdrawn.

Mr. Mukand Lal Puri (Punjab Industries) : My next amendment is—

That in clause 7 sub-clause (1), the words “payable under a decree or order of a civil court or otherwise, whether mature or not”, be omitted.

My object in placing this amendment before the House is to prevent these conciliation boards from dealing with adjudications of our highest courts. Even without meddling with the decrees there is a considerable amount of indebtedness in this province which can be legitimately relieved and with which the conciliation boards can deal and to which they can direct their attention and energy. If they confine themselves to cases between creditors and debtors who have not gone to the court it will be both to the interests of the creditor and the debtor to come to a settlement. The creditor to start with is saved the payment of heavy court-fee and heavy court expenses which including those of the appellate courts almost amount to 60 or 70 per cent. of the claim which may be due and in the circumstances the creditor would be willing to accept much less than he would be if he has already undergone heavy expenditure in obtaining a decree. Again, it seems hardly fair that a person who has obtained a decree from the highest court in the land after a strenuous fight and a considerable expenditure should be compelled under our new procedure to have that decree reviewed or at least scaled down and the realisation of that decree postponed. These are my reasons for excluding the decrees or payments due under orders of courts, from the purview of these conciliation boards. The scope of these conciliation boards should be limited in this manner. It would be a very good thing if they first started by attempting some sort of settlement between persons who have not gone to court, instead of trying to unsettle matters which have been finally decided by courts.

Mr. President : Clause under consideration, amendment moved—

That in clause 7, sub-clause (1), the words “payable under a decree or order of a civil court or otherwise, whether mature or not,” be omitted.

Mr. J. D. Anderson (Legal Remembrancer): In my reply to the amendment which was last moved by the honourable member, I endeavoured to cover some of the ground which has to be passed before a decision can be reached on this amendment. There is, however, one new thing which the honourable member has said. He has stated that the boards will be in a position to go behind the decisions of the highest court in the province. They will not be able to do anything of the kind. There is provision made in the Bill that a decree shall be proof of the existence of the debt. What, however, the boards will in fact be doing will be to execute decrees. There must be many decree-holders in this province who would be very glad to have two annas in the rupee even of the decree which they have received from the High Court and if the boards can possibly help them towards realising even that small amount, the boards will have served their function. I think myself that it is possible that this part of the Bill—if practicable at all—will be found in practice to be for the benefit of the decree-holder rather than for the benefit of the judgment-debtor.

Mr. Mukand Lal Puri: I am not convinced by the argument of the Honourable Legal Remembrancer that this portion of the Bill will work to the advantage of the creditor. What will happen will be something like this. A suit is filed. It is hotly contested, all conceivable false pleas are raised and ultimately a decree is obtained. It is then taken to the appellate court and again let us assume, the suit is decreed. It is then taken to the second appellate court where again, let us hope, the appeal fails and the suit is again decreed. Thus, after prolonged litigation extending over several years a creditor obtains a decree and is in a position to realise the fruits of the decree, and puts in an application for the attachment of the house of the judgment-debtor or for the attachment of his salary or for his personal attachment. All that the debtor need do, to nullify and indefinitely postpone the fruits of the decree is just to put in an application before the conciliation board and the effect of that will be automatically to stop the execution of that decree and nullify the result of a prolonged litigation which has involved the decree-holder so much expense. What will be the effect? What he had failed to achieve by litigation in the court of the sub-judge or in the highest appellate court, he will achieve by the simple act of putting in an unstamped application before the conciliation board. Now the effect of putting in an application before a conciliation board is that all proceedings against him whether by way of suit, or execution or insolvency are *ipso facto* stopped. That application may be the most frivolous application imaginable; the applicant may not be entitled to the benefit of the provisions of the conciliation boards at all, yet the effect of the provisions of the Bill as they have emerged out of the select committee is that the mere putting in of the application automatically operates to stay all proceedings. It is not possible for a conciliation board to dismiss any petition, howsoever foolish or ridiculous the petition might be, or even if the debtor on the face of the petition is not entitled to put in a petition at all. As soon as a petition is filed, a notice must be issued and a date fixed for the hearing, and that date may be a month or two or more later. There is no provision for the examination of the debtor by whose examination the position may possibly be cleared up and the true state of affairs brought to light. Again on the adjourned date the conciliation boards have no discretion to consider the application, but they must

issue a registered notice to each and every one of his creditors and again give time for two months. The provisions which existed in the original Bill about the examination of the debtor and the dismissal of the petition in cases where the conciliation boards thought conciliation not desirable were omitted in the select committee by the majority party, in spite of the opposition of official members. Thus the execution proceedings are stayed for a year or so even on an untenable petition. The only grounds on which a petition can be dismissed are (1) if the debtor has not been diligently prosecuting it, or (2) if there is no compromise. With respect to the latter, after six months, or more when all creditors have been served, a debtor has to find one creditor only with whom he can compromise. Of course the poor decree-holder finds it difficult to compromise. The debtor will never compromise with the decree-holder with whom he has been litigating and who is not his friend. The debtor would like to spite the decree-holder who has dragged him to court and unless the debtor consents, there can be no compromise. Besides, the decree-holder who has spent so much money in obtaining a decree is naturally anxious to realise a portion of his decree or at least the court fee which he has spent. But there can be no settlement unless the judgment-debtor consents and the judgment-debtor is not in a mood to listen to the reasonable proposals of the judgment-creditor. The judgment-debtor will compound with one creditor collusively on most unreasonable terms which the decree-holder cannot accept and transfer his entire property to him. This will have the force of a decree. Apart altogether from the injustice of it, by sending the decree-holder to the conciliation board you are bringing the administration of justice in this province into contempt. Under such circumstances, who would go to a civil court when he knows that after a lengthy process of litigation extending over several years even if he gets a decree the execution of that decree can be stayed for 8 or 10 months merely by filing a petition before the conciliation board? And further all that is necessary for the debtor to achieve his object, to nullify the decree altogether, is to find one creditor with whom he can compound and to whom he can convey his entire available assets, because compromise even with one creditor must be given effect to by the conciliation boards and is to have the force of a decree. A decree must be passed conveying the assets permanently for a number of years to the colluding creditor. And all this time, the hands of other creditors including decree-holders are stayed and they cannot proceed against the debtor. What is the discretion vested in the conciliation boards according to the present Bill? They have no power to revise the terms of the compromise. They have only to ratify the agreement that has been arrived at between the debtor and one creditor however absurd that agreement may be and then that agreement has the effect of a decree of a court. The other day Rao Bahadur Chhotu Ram stated that it was quite easy to obtain collusive decrees in courts and, therefore, this was not a matter peculiar to conciliation boards. But he overlooked that in case of decrees by conciliation boards, they are immune from attack in civil courts while collusive consent decrees by civil courts can be set aside by suits as fraudulent transfers. In case of consent decrees by courts, the remedies of other creditors are in tact by law. Other creditors' hands are not pinioned. They can also obtain decrees and get the property of the debtor attached. They can get collusive decrees set aside as fraudulent

[Mr. Mukand Lal Puri.]

transfers. But this is prohibited with respect to decrees by conciliation boards. No suit can be instituted or decree executed or any other process issued against a person who has put in an application before the conciliation board. Meanwhile the debtor has only to find one accommodating creditor who is willing to compromise with him and transfer his entire property to him. Therefore, if this part of the Bill is made applicable to the decrees of the civil courts also, it is most unlikely that any one would institute a suit in any area to which this Bill is extended with respect to any matter which is within the purview of the Bill. Unless the decrees of civil courts are excluded from the purview of this law I respectfully submit that this Bill, if passed into law, will bring the civil courts into disuse and expose their adjudications to contempt.

Mr. President : The question is—

That in clause 7, sub-clause (1) the words "payable under a decree or order of a civil court or otherwise, whether mature or not," be omitted.

The motion was lost.

Pir Akbar Ali (Ferozepore, Muhammadan, Rural) : I move—

That in sub-clause (1) of clause 7, lines 5-6, the words "debts incurred for the purposes of trade," be omitted.

In moving this amendment I need not make any lengthy speech in view of the remarks made by the Honourable Finance Member day before yesterday. My object is that no loophole should be left in this law which will enable its provisions being evaded. If my amendment is not adopted, it will be very easy for a creditor to get the debtor enter in the bond or other deed the words "for the purposes of trade" when the latter actually borrows from the creditor for the purchase of bullocks or for some other agricultural purpose. I, therefore, submit that these words should be omitted.

Mr. President : Clause under consideration, amendment moved—

That in sub-clause (1) of clause 7, lines 5-6, the words "debts incurred for the purposes of trade", be omitted.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan (Revenue Member) : Sir, the apprehensions of the honourable member from Ferozepore may be justified, but I may draw his attention to the other side of the picture also. For instance, it is possible for a big zamindar to put up a sugar factory and borrow money for the purpose. (*Interruption*). I may inform the House that my honourable colleague the Minister for Education has recently put up a factory. (*Interruption*). If his income is mainly from agriculture, he will come within the definition of an agriculturist like every one else. I, therefore, suggest that the House should not ignore this aspect of the question when considering this amendment.

The Honourable Mr. D. J. Boyd (Finance Member) : May I urge that it seems to me that this amendment credits the conciliation board with remarkably little intelligence in suggesting that they will not be able to discriminate between debts for purposes of trade and for purposes of agriculture. (*Hear, hear*).

Pir Akbar Ali : The argument put forward by the Honourable Finance Member supports the motion for the deletion of the words referred to in

the amendment. It will be very difficult for the members of the conciliation boards to make a distinction between debt incurred for purposes of trade and debt incurred for purposes of agriculture. That is a strong reason why these words should be omitted. Otherwise every transaction will be considered to be a transaction for the purpose of trade. So, I submit that these words should not remain in the clause.

Mr. President: The question is—

That in sub-clause (1) of clause 7, lines 5-6, the words "debts incurred for the purposes of trade," be omitted.

The motion was lost.

Lala Chetan Anand (West Punjab Towns, non-Muhammadan, Urban) :
I move—

That in clause 7 (1) the words "or debts due to co-operative banks and societies or to commercial banks", be omitted.

Mr. President : Clause under consideration, amendment moved—

That in clause 7 (1) the words "or debts due to co-operative banks and societies or to commercial banks", be omitted.

Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural) : Sir, I must make one submission at the very outset. We will not be able to give any relief unless we include co-operative banks and societies in the provisions of this Bill. In fact these banks have been more harmful for the zamindars than the sahukars themselves. I am sure that they are shylocks of the worst type. (*Hear, hear*). These banks will put a zamindar in jail even before 20 bantias combined together can do it. (*Hear, hear*). If we fail to include these banks I think we will be rescuing the sheep from the wolf only to place it before the butcher, i.e., we will save the debtor from the clutches of the sahukar and put him in those of co-operative societies. If we study the various provisions so far as these banks are concerned in other provinces, we will be more convinced that we are right. In the first place I will quote the Central Provinces Debt Conciliation Act of 1933. If we read the definition of the word "creditor" in section 2 of that Act it will be found that it means a person to whom debt is owing and includes a co-operative society. So far as this Act is concerned, the legislature there has not thought proper to exclude these co-operative banks. Next if we

3 P. M.

take the report of the select committee on the Usurious Loans United Provinces (Amendment) Bill we read under clause 2 the following :—

We did not consider that a definition of co-operative societies is necessary as we do not propose to exclude co-operative societies from the provisions of this Act. We do not say that the rate of interest charged by these societies is usurious; but if co-operative societies did charge a usurious rate of interest it is clear that that rate would not cease to be usurious simply because it is charged by a co-operative society.

Take again the report of the select committee, under section 4 of the other Bill, the Temporary Regulation of Execution Bill. This is also of the United Provinces. Here it is again stated, "We have deleted sub-section 2 as we considered it important to liquidate the bad or doubtful debt of a co-operative society and to give relief to the debtor whether or not his creditor is a co-operative society."

[Ch. Riasat Ali.]

Again, if we come to the various opinions expressed on our Bill here we find that many of them are to the effect that we should include these banks so far as the provisions of this part of the Bill are concerned. The first opinion is that of Mr. Macnabb, the Commissioner of Rawalpindi division. He says, "The Legal Remembrancer should find it easy to draft a suitable definition which should certainly include a co-operative credit society." The next is the opinion of the zamindars of village Batawala, district Ferozepore. The zamindars themselves have been clamouring against this so-called most beneficent department. Even they say, that "the loans advanced by co-operative credit societies to the agriculturist should not be exempted from the operation of this Act." Then there is the opinion of the zamindars of Badamoli, district Sialkot. These people have greater experience of the working of these societies and we must give great credit to their opinion. They say, "The provisions of this Bill should be extended to the co-operative banks also."

Then there is the opinion of my honourable friend Lala Jyoti Parshad, M.L.C., of Hissar. He says, "There is no reason why the agriculturist is not given protection at the hands of the co-operative banks who have even the authority to sell the land without having to go to court for obtaining a decree." All this literature quoted on the floor of this House clearly shows that these societies must be included in the provisions of this Bill if we want to give any relief to the debtor. Again, if we take into consideration the easy way of realisation of debts due to these co-operative societies as compared with the very hard and lengthy procedure open to the sahuکار in order to realise his debts, I think everybody here will agree with me that we must include these co-operative societies in the Bill. In the case of the sahuکار he has to spend money on court-fee, then he has to engage a lawyer, he has to cite witnesses and after many years he gets the decree. After he gets the decree he gets a warrant against the property or against the person. When the bailiff and the sahuکار go to the place to effect execution, they are beaten, they do not get anything and a case under section 332 or 333, Indian Penal Code, if there is a partial dislocation of the thumb $\text{ਥੰਮ੍ਹ ਦਾ ਖਰਾਬ ਹੋਣਾ}$, has to be registered and the sahuکار has to fight out that criminal case. This case is only an offspring of the major suit. Then what is the result? The poor money-lender cannot get any witnesses in the village where Chaudhris are in large numbers and he is himself convicted under section 182. But what has the co-operative bank to do? Only a *salsi* decree has to be obtained. The bailiff of the department goes to the court and puts it into execution at once without any lawyer or anything of that sort. If we give this benefit to the other class of money-lenders and if they (sahukars) think it will be easier to realise the money, they may lend at lower rates of interest than these societies. I have a sad experience of these societies,—one of the co-operative societies of my own district, I refer to the co-operative society of village Kot Ishaq. The original sum due to this bank was Rs. 6,769 but the amount realised was Rs. 16,500. Look at the way in which these banks are working. These people say that they have issued circulars now not to charge interest more than Rs. 9-3-6. As regards the case I was quoting no less than 200 acres of land were sold for the realisation of the money. They say that they have to charge liquidation fees and all that sort of thing and under this

pretext the people are ruined. They will still be ruined if we exclude these banks from the operation of this Bill. With these words I support the amendment.

Khan Bahadur Nawab Chaudhri Fazl Ali (Gujrat East, Muhammadan, Rural) (*Urdu*): Sir, I am sorry that I have to differ from my honourable friend over there in regard to the matter under discussion. I am sure that had the amendment been proposed by the honourable member himself the position and result would have been quite different. At present he is supporting an amendment, therefore our position is different and I am compelled to say what I am going to say which is that his criticism of the co-operative movement does not appear to be at all justified as I shall prove by placing certain facts connected with it not at all with the spirit of a debator as is likely to be mistaken but out of mere conviction.

It is hardly necessary for me to say that all human institutions must have some inherent defects in them. We cannot claim perfection for them, as we can do in regard to God-made things. The Co-operative Department being a human institution we cannot say that it is free from all defects. I am free to admit that there have been found some flaws in the working of the co-operative societies, particularly in the beginning, but that does not mean that these societies are altogether useless or that the defects in them are irremovable. That is not the case as most of the honourable members will bear me out. These societies have, on the other hand, brought so many blessings to us all and particularly to the zamindars that the defects in them, if any, appear as of little importance. And I shall be excused if I say that many of the defects that may be found in the working of some of these societies are due to the carelessness of those who are responsible for their working. Otherwise I am sure that the law under which these societies have been brought into existence has nothing to do with these defects (*Hear, hear*). I can say with a certain amount of certainty that if we all make up our minds to do our duty by these societies honestly and diligently, there is no reason to suppose that many of the complaints against these societies will not be removed. The difficulty is that we are not prepared to do our duty. We find it so very easy to complain but we are not prepared to do anything that is demanded of us. If we had been more careful in our affairs Shrimiti Lekhwati Jain would have had no justification to say that we zamindars enjoy and make merry at the cost of the sahukars. I ask her, what was the position of all these sahukars before they came to live amongst us? Who made them so rich if not we? She should know that they came to our villages with nothing but with a pair of scales and a few stone weights. She should bear in mind that —

ہمیں سے کہہ دین تہیہ سیکھ کر آئے

Mr. President: The honourable member will please speak to the motion before the House.

Khan Bahadur Nawab Chaudhri Fazl Ali: I wanted only to show that it is more or less our own fault that we have to listen to these charges to-day.

Mr. Mukand Lal Puri: And what did the co-operative societies bring with them to the villages?

Khan Bahadur Nawab Chaudhri Fazl Ali : They have brought so many blessings to us as I have already said. We can now fix our own rate of interest on loans taken from these societies. And if any profit accrues to these societies that we can divide amongst ourselves. In the absence of these societies we had entirely to depend upon the mercy of the sahukars who used to fix the rate of interest and who used to dictate their own terms and then all the profits were retained by them and went to fill their pockets. According to a recent circular of the Registrar these co-operative societies which have 75 per cent. of their own capital, have been permitted to charge only 4 per cent. rate of interest and those which have 50 per cent. of their own capital have been allowed to charge only 5 per cent. rate of interest on loans advanced by them. I challenge any one in the House to point out any case of a sahukar who is prepared to lend money at such low rates of interest. You will, I am sure, not be able to point out such a case and if that is so we shall have to admit that these societies are really a blessing to us. Moreover, these societies are competent to allow the concessions incorporated in the proposed legislation in case of debts paid up during the last two years as well, and the money paid in excess of the legitimate rate of interest now fixed can be credited towards capital.

It has been said by my friend Chaudhri Riasat Ali that in the case of one debtor a co-operative society realised Rs. 16,000 whereas the original sum advanced was only Rs. 6,000. But he has not told us the period for which the loan remained unpaid. He has, I should say, concealed from our view the other side of the picture. We can very well guess that the debtor must have slept over the transaction and must not have made any effort to discharge his liability. Such persons must suffer and I may tell my friend that if the creditor of this debtor had been some sahukar, the sum would have mounted up to lakhs as actually the principal amount of Rs. 500 mounted up to two lakhs in the case of another debtor. But we are apt to ignore these things. I may further state for the information of my honourable friend that the Registrar, Co-operative Department, has given another concession to the debtors. That concession is that if any debtor pays or rather repays his debt in time, he should be allowed a reduction in the rate of interest to the extent of $8\frac{1}{2}$ per cent. for the last four years also. Now, that is a concession that no sahukar will grant. Of course the case of persons who are not prepared to repay or who are not prepared to make any effort to repay their debts must be dealt with differently. They can be shown no concession. Why is it that people borrow readily, but when the time for payment comes, they feel like avoiding payments? Is it some defect in human nature that borrowing is so easy and paying back is so difficult even if the accounts of the amounts due may have been kept in a thoroughly honest manner? I am compelled to admit that my experience points out to this direction that many of us feel a sort of pinch when paying back the amounts due from us (*Hear, hear*). My experience also tells me that people in general do not feel so much aggrieved when their cattle and other things are being sold in execution of a decree of an individual as they do feel when their cattle are being sold in execution of a decree of a co-operative society. Such feelings are certainly unjustified and they should not lead us to decide that the co-operative movement is bad in itself.

My honourable friend opposed this movement on another ground as well. He said that the co-operative societies have not to pay any court-fee, have not to engage any lawyer and have not to bear other expenses of the courts which the sahuksars have to pay and, therefore, it is so very easy for them to realise the money due to them. But he has forgotten that all these expenses go to increase the burden of the debtors and if the societies do not incur these expenses, it is so much the better for the debtors. Consider this question from any point of view, you will be forced to the conclusion that these societies are a real blessing to us. This is not a small thing that we can fix ourselves the rates of interest, we can appoint our own liquidators, we have our own agency to realise money and then we can divide amongst ourselves all the profits that these societies gain. A time may come in the life of these societies when we can expect that they will charge no rate of interest and all the people whether Hindus, Muslims and Sikhs will equally benefit by them. I understand that there are already some such societies which charge no rate of interest and do not even charge anything by way of incidental charges that they have to incur in correspondence in the Gujrat district. These are not very small advantages that we derive from the co-operative societies and it is only reasonable that we should do all to encourage this movement. No one will call us wise if we decide to give those powers which we now possess to the courts where there are always so many difficulties experienced in the interpretation of the words like *may* and *shall*. We must retain those powers as it is in our own interest to do so. I, therefore, see no reason why this amendment should be accepted. I oppose it with all the force that I can command.

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muhamadan, Rural) (*Urdu*): Sir, I rise to support the motion before the House. The question is whether the burden of debt of the co-operative societies weighs heavily on the debtors and whether the way in which the money is being realised from these debtors is being felt as very inconvenient and obnoxious or not. If the answer to these questions is in the affirmative—and I have no doubt that it is in the affirmative—then there is no reason why the co-operative societies should be exempted from the operation of this provision. If of course it can be proved that the burden of debt of these societies is not very heavy and that the debt is being repaid without any difficulty being felt by the debtors, I am at one with those who are against this amendment. But I am sure that this cannot be proved and under the circumstances there is no course open for us but to adopt this amendment. This Co-operative Department has been in existence for a very long time and it cannot be said that it is still in its infancy. It cannot also be said that in the course of another four or five years things will radically change so far as these societies are concerned. We have already made sufficient experiment and seen for a sufficiently long time the working of these societies and I think there is nothing more left to be seen about their working. And from what we have seen we may conclude that it will not be safe to leave them to themselves as before. We must, therefore, bring them to face the conciliation board like an ordinary creditor.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan: I rise to a point of order. I should be glad of your ruling on a point about which I have some doubt. My view is that the wording of the amendment, as it

[The Hon. Captain Sirdar Sir Sikander Hyat-Khan.]

stands, is not in order because it is in conflict with another law in force, that is, the Co-operative Societies Act. If this amendment is passed it will either result in dual jurisdiction or will create legal difficulties as it goes counter to an existing enactment. If you will permit me I will read out that portion—

Mr. Nanak Chand Pandit : Is not this whole Bill a modification of other enactments ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : There it is said, "notwithstanding anything contained in other Acts." You have not said that in this amendment. Section 43 of the Co-operative Societies Act, sub-section (2) (i) says :—

Provided that any dispute touching the business of a society between members or past members of the society or persons claiming through a member or past member or between a member or a past member or person so claiming and the committee or any officer shall be referred to the Registrar for decision or, if he so directs, to arbitration, and prescribe the mode of appointing an arbitrator or arbitrators and the procedure to be followed in proceedings before the Registrar or such arbitrator or arbitrators, and the enforcement of the decisions of the Registrar or the awards of the arbitrators.

My submission is that the amendment as at present worded is not in order.

Mr. President : If an express provision existed on the point in the Co-operative Societies Act, where was the necessity for inserting these words ? The law was there. Why were these words inserted in clause 7 ? The amendment is that these words may be omitted. The amendment is quite consistent with the law which the Honourable Member is relying upon.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Yes, Sir, these words were not included in the original draft of the Bill. I believe the select committee put them in.

Mr. President : Has Government moved an amendment ?

The Honourable Dr. Gokul Chand Narang : Do you think they are helping the Government ?

Kanwar Mamraj Singh Chohan : Before I was interrupted I was trying to show, Sir, that the burden of debt on the agriculturists who owe to the co-operative societies is as heavy as the debt that they owe to the sahkars or to their agriculturist brethren and if it is intended to afford relief to the debtors, it is essential that this amendment should be adopted. I have, and in fact many others have, got so many complaints against the working of these societies, but this is not the place to give vent to them. There is, however, one thing that I must say while on this point. These liquidators that are appointed by the Registrar are like wolves let loose on the public at large in the villages. Whenever a society goes into liquidation and a liquidator is appointed, the latter begins to realise money from any and every person he can catch hold of whether that person is or is not a member of that society at that time. The worst of it is that no proportion is fixed in realising this money. The law allows him to realise this money in any proportion he chooses to fix and also from the relatives of the members and even past members. Supposing I have been a member of a society for some time and after a few years' experience I see that things are going from bad

to worse. I resign from that society as the best course to save my interest. Within two years of my resignation also suppose that the society goes into liquidation. Yet I can be made to pay in order to discharge the liabilities of that society in any proportion that the liquidator may fix. Not only I, but my relations can also be made to pay if I am not available. This is why I say that any and every person can be caught hold of to pay the liabilities of a society that has unfortunately gone into liquidation. And it is not after long intervals that one or the other society is heard to have gone into liquidation. Such things are of daily occurrence and for this reason the people for whose benefit these societies have come into existence are tired of them.

The circular No. 327-S. recently issued by the Registrar also proves my contention. It says that the societies which have 75 per cent. of their own capital can advance loans at the rate of 4 per cent. and others which have 50 per cent. of their own capital can advance loans at the rate of 6 per cent. per annum. It gives another concession also and that is that the debtors who may pay their debts in time may be allowed reduction in the rate of interest from $12\frac{1}{2}$ per cent. to $9\frac{1}{2}$ per cent. That also goes to show that the debts due to these societies are not being paid and there is no hope of their being paid at least for a long time to come. This is the condition of the societies that have been taking loans from the central banks which are now pressing for the return of their money.

Mr. President : Will the honourable member please speak to the motion before the House?

Kanwar Mamraj Singh Chohan : I was submitting, Sir, that the accumulated debts due to these societies have become unbearable and impossible of repayment. I, therefore, see no reason why we should exempt these societies from the jurisdiction of the conciliation boards?

The Honourable Sardar Sir Jogendra Singh (Minister for Agriculture) : I could easily understand Mr. Chetan Anand having a fling at the co-operative movement. It is a matter of regret that people in the towns have so far refrained from taking advantage of the co-operative movement. I have absolutely no doubt that if the intelligent members of towns organised and managed co-operative banks they would provide the strongest support in favour of co-operative movement. (*An honourable member :* Are they permitted?) Yes. It is only we zamindars, who fail to realise what is good for us. I can recall poignant words which the leader of the opposition used, in his little book, pointing out, how even in this House when questions relating to zamindars came for discussion, the zamindar members hesitated in voting in the right direction. We have had to-day an example, a sad example. Chaudhri Riasat Ali who is a zamindar himself, and who ought to be the strongest supporter of the co-operative movement and who may at no distant future be called upon to administer this department, stood up to revile the co-operative movement. (*Mr. Nanak Chand Pandit :* What has he done?) The honourable member, Pandit Nanak Chand has a way of interrupting.

Mr. Nanak Chand Pandit : I only put the question just as the honourable member puts a question to me.

Mr. President : Questions must be asked through the Chair.

Mr. Nanak Chand Pandit : Yes. I ask through you, Sir, what is it that the Honourable Minister objects to in the speech of Chaudhri Riasat Ali? Does he mean to say—

Mr. President : The honourable member is making a speech. Will the Honourable Minister please proceed?

The Honourable Sardar Sir Jogendra Singh : I was saying that if we zamindars cannot realise the meaning of self-help, associated effort, co-operation and work for our good, how can we hope in any other sphere to realise the meaning of self-Government? Perhaps the action which the Co-operative Department has already taken in relieving the burden of those who are heavily indebted is not known. I regard myself in this House as an ambassador of the agriculturists, to watch and promote their interests. How then could the interests of agriculturists in the Co-operative Department which I have the good fortune to administer suffer? In a circular which was issued not long ago the Registrar clearly laid down—

Interest on loans to members shall be charged at a rate, or rates, to be fixed by the general meeting with the previous sanction of the Circle Registrar. The general meeting shall accept such variations in this rate as the Circle Registrar may from time to time direct. It is, however, proposed, that measures should be brought into force at once in anticipation of the adoption of the amendment and of the general meeting's sanction of the new rates.

Only yesterday when Professor Roberts moved his amendment, objection was taken as to the rates which he desired to be fixed on loans.

The minima rates fixed by the Co-operative Department are as follows:—

- (a) societies having 75 per cent. owned funds .. 4 per cent.
- (b) societies having 50 to 75 per cent. owned funds .. 5 per cent.
- (c) societies having less than 50 per cent. owned funds 7 per cent.

In no case may the minimum rate be allowed, unless it yields the margin prescribed above. This concessional rate—

mark my words—

should apply (subject to conditions given below) to all existing loans and should have a retrospective effect for two years; it will continue to apply for a period of two years from the date on which it is sanctioned by the general meeting. The retrospective effect of two years may be extended, with the previous sanction of the Deputy Registrar, in societies or areas in which the causes of deterioration (e.g. famine or water-logging) have extended over a longer period. The concession will also benefit good payers in bad societies, as the interest due from them during the past two years according to the new rates should be calculated and any amount paid in excess of this sum credited to their capital account, or, where they have cleared their debts, entered as a deposit in the society.

If in this Bill any member ventured to make such a provision I am sure it would have been objected to in any case by one side of the House.

The circular then proceeds:—

For new loans a rate must be fixed in accordance with business principles, to give some return on owned funds, but reduced to correspond with money conditions now prevailing. These rates should not, without the Deputy Registrar's sanction, be less than 5, 7 and 9½ per cent., in the classes of society as defined in paragraph 4 above.

In addition to the above concessions, in particularly hard hit areas where arrears of interest are exceptionally heavy, Circle Registrars may permit societies for a period of two years only, to credit 50 per cent. of their members' repayments to principal and 50 per cent. to interest.

Can any one say that the conciliation board can go any further than the Co-operative Department has already gone in this direction ?

The question has been asked, why not refer the matter to conciliation boards. The answer is simple : The advantages for members of co-operative societies under the Co-operative Societies Act are greater than they are likely to be under the conciliation boards. Then again in the case of co-operative institutions debtors and creditors are both members of these institutions and have really no conflicting interest to reconcile. Then again, conciliation boards will be constituted in a few districts as an experimental measure, while co-operative movement is operative all over the province. It is my considered opinion that this distressing problem of agricultural credit and relief can only be solved through co-operation and by no other means.

The honourable member, Chaudhri Riasat Ali, who talked a great deal about the oppressive measures which the central bank took against a particular society—I think he mentioned only one society—I am sure, would admit, that credit needs of the province are being gradually met by co-operative institutions. Rates of interest are being gradually lowered ; every measure is taken to fix the sums to be realised according to the present paying capacity of the debtors.

The co-operative movement is in the interests of the agriculturists and there does not seem any reason why we should subject this movement to an Act, specially designed to afford relief in the case of usurious loans. The one fact, which is not fully realised, is that co-operative societies are run and managed by the zamindars themselves. The debtors are also the administrators and creditors and they know what is in the interests of both, the debtor and the creditor. Under these conditions I do not think there will be any advantage in including co-operative banks and co-operative societies under this Act.

Rao Bahadur Captain Rao Balbir Singh (Gurgaon non-Muhammadan, Rural), (Urdu) : Sir, since the last so many days the condition of the zamindars is being described in this House by the zamindar members in pathetic and heart-rending words. As a matter of fact, it has been for the last so many years a continual practice adhered to by the zamindar members to place before the House the condition of the zamindars in a moving manner. They have been telling us that the zamindars are depressed, they are poor, hungry and famished. No doubt it is true. I endorse all that they have described. I also say that it is our duty to sympathise with the zamindars. They are men and as such deserve every consideration on our part. The money-lending classes are rich and well-to-do. They have stately mansions to live in whereas the zamindars have not got even humble huts to live in. The shukars enjoys every luxury of life and the zamindars have not got even the means of supplying their bare necessities. They are underfed and under-clothed. (*Interruption*). Yes, I know in this House some have not got even hair on their heads. (*Laughters*). In view of this financial depression of the zamindars, Act XIII was passed, so that some relief could be given to the zamindars. The present Bill has also been introduced with the same end in view. But this amendment which has been moved and the discussion on it has amply proved that the zamindar members' intention is anything but praiseworthy. It has shown that they are not even willing to pay anything at all. The insistence on the exclusion of the co-operative societies from the application of the provisions of the Bill has

shown their intention. They only want to get money but do not want to return it. The co-operative societies were started and every facility was granted to them for the safe return of their loans. Such facilities as are enjoyed by the co-operative societies are not given to any other person. These concessions which are already given to them are more than sufficient. There is no need of conferring another concession on them by excluding them from the application of this measure. This attempt on the part of the zamindar members to exclude co-operative societies from the application of the provisions of this Bill is unjustifiable. With these words I resume my seat.

Sardar Bahadur Sardar Buta Singh (Multan Division and Sheikhpura, Sikh, Rural) (*Urdu*): Sir, I have very attentively heard the speeches of three or four members who have criticised the Co-operative Department. I think the mover of the present motion has not got any argument to advance against the co-operative societies. He did not say a word in support of his amendment. The honourable member Chaudhri Riasat Ali could not be expected to have said anything against the co-operative societies. All the poignant things which he said against the co-operative societies reminds me of an Urdu couplet:—

شہلی نے پہل مارا مکرر دیکرا

A member of the community of the zamindars should not have uttered such things against a department which has done so much for his people. This statement of the honourable member that the co-operative societies have done nothing but harm to the zamindars was unbelievable and when he was asked to quote any instance of any society which he thought had done any disservice to the cause of the zamindars he could only refer to one lonely instance of a society which somehow or other had the misfortune of incurring his displeasure. He quoted the instance of this society at Simla, and again here-to-day. From this single solitary instance of one society you cannot generalise that all the co-operative societies are bad and doing harm to the agriculturists. An exception proves the rule. Look at the advantages that have been conferred by these societies on the zamindars and then say whether the zamindars have profited by their existence or not. The situation in which the zamindars were placed by their indebtedness was so embarrassing that we could not think of any way by which to get out of it. The sahukars were swallowing the zamindars. They were being expropriated and day by day misery was being heaped upon their heads. The sahukars were taking all the land from their possession. I remember many families which were ruined by the sahukars. The sahukars advanced a loan of a few rupees to the agriculturists and then as time passed this loan continued to increase in amount until a stage was reached when it became possible for them to get the whole property of the agriculturist debtors auctioned and sold. Seeing this ruin which was overtaking the zamindars the Government took action in the form of the passage of the Land Alienation Act. But this Act was not sufficient to meet the necessities of the case. Consequently it was thought to take some other step for the safeguarding of the interests of the zamindars. This step was taken and the co-operative movement was started. It was a movement for self-help, and contained the element of

self-government. The co-operative societies are managed by the zamindars themselves. The zamindars are the creditors and the zamindars are the debtors. These societies of self-help protect them from the sahukars, and the profits that they make are divided among the members who are zamindars. These societies are very considerate in their dealings. As the Honourable Minister for Agriculture has stated the societies whose reserve fund has been accumulated to as much as 75 per cent. of their capital have reduced their rates of interest to 3 or 4 per cent. If the society finds that a member has fallen on evil days and is unable to pay his debt it makes every concession that it can. The honourable member Kanwar Mamraj Singh said that reduction of rates of interest from a higher to a lower figure is not any substantial help to the zamindars. I wonder that he has failed to appreciate this principle of elasticity in the charging of interest on the loans advanced by the co-operative societies. If a zamindar is in a flourishing condition he is charged the full rates of interest and if he is in a bad condition he is charged lower rates of interest. The honourable member's criticism was not well-informed. When he was asked what grievance he had against the system of co-operative societies, he said that if a member becomes insolvent his debt is recovered from the other members. This is the principle of unlimited liability of economics. The societies are careful not to advance any loans to persons who want to waste it on pleasure pursuits. A co-operative society would never advance a loan to a person whose father has recently died and has property to squander away by taking loans. A sahukar might tempt such a person to take a loan from him in order to get his property but a co-operative society will never do that. The co-operative societies are very considerate. In the case of a man who fails to pay his debt, the society would first give him a warning to make the payment of his debt. If he desists from making the payment the society would give him a second warning, and then a third and then a fourth. These notices are given at the harvesting times when the debtor has got the means to make the payment of his debt. This means that the societies wait for at least two years before taking legal proceedings against their debtors. Does any money-lender show so much consideration? In addition to this, these co-operative societies also write off the debts when they find the debtor has actually become unable to pay it. These are the advantages of co-operative societies over the sahukars. Sahukars charge compound interest but co-operative societies do not. If you conscientiously compare the sahukars with the co-operative societies you will find glaring differences between the sahukar system and the co-operative system. The co-operative societies do not accord the same harsh treatment to their debtors as the sahukars offer to their victims. Then there is the system of audit. The auditors check the accounts of these societies twice a year. Is there any system according to which the accounts of the sahukars are checked? The sahukar is free to make any entry he likes in his account books. A co-operative society cannot do so. The accounts of a co-operative society cannot be expected to make false entries in its account books. A sahukar's accounts can be fictitious. It is open to him to take any sort of liberty with his account books. Then the debtors of a co-operative society get receipts for the payments made. The co-operative societies never go to the zamindars to bring things like fodder, etc. The sahukars go out to the villages and take

[S. B. Sardar Buta Singh.]

from their debtors things like fodder, canes, sugar, etc., in addition to the interest they charge for their loans. I do not think that any lengthy speech is necessary at this stage. (Laughter). I

A. P. M. have only to add that my friends on the opposite benches should carefully weigh the suggestions I have put forward. I am sure that if they are carried out they will bear good fruit. My honourable friends may ridicule our suggestions and mock at our proposals but the fact remains that we make them in good faith. If we praise the work done by the co-operative societies we have sufficient reasons for doing so. These societies have really done a lot to ameliorate the condition of poor zamindars. The agricultural population throughout the province is deeply indebted to them. Now they are extending their activities to urban areas too, and I am confident that the cities will not remain long out of the beneficent pale of these societies. Urban people have merely to make a request to the co-operative authorities and work will be commenced for the uplift of the urban population in right earnest. It is not proper, therefore, for the urban members to ridicule the beneficent activities of the Co-operative Department.

Mr. President : What has that to do with the question before the House?

Sardar Bahadur Sardar Buta Singh : I am submitting reasons why the Co-operative Department should be exempted from the operations of the law we are now considering.

Mr. President : Is that department performing rural uplift work in the province?

Sardar Bahadur Sardar Buta Singh : That is one of the reasons. Taking all these arguments together one comes to the conclusion that the Co-operative Department is already doing a lot to ameliorate the condition of the zamindars. That is why the Co-operative Department should be exempted from the operation of this law. If I am irrelevant I am prepared to bow to your ruling, Sir.

We require every beneficent department of the Government which is doing good work for the zamindar and we wish that all such departments should be allowed to do their work unhampered and freely. We know that the zamindar is greatly in need of help. Poverty, want and misery, in short, everything is staring him in the face. I, therefore, strongly oppose this amendment. I will ask all my honourable friends to support me in rejecting the amendment under consideration. I have every hope that even Chaudhri Riasat Ali, who has been somehow or other misled will be good enough to vote with me.

Lala Bhagat Ram (Jullundur-cum-Ludhiana, non-Muhammadan, Rural) (Urdu) : Sir, it is all very well to say that the co-operative societies should not be brought within the purview of this Act although they are carrying on identically the same business as the money-lenders. The fact seems to have escaped the notice of the opponents of the present amendment that it was mainly with the sahukars' money that the co-operative societies were started. Now our friends are anxious to stifle the same sahukars' business.

It is not fair, to say the least of it. Everybody in the countryside knows that the zamindars have greater reason to complain of the tyranny of the Co-operative Department than they have to complain of the hardship meted out to them by the village money-lenders. The Punjabi adage—

چہت روٹی پت دال

affords an appropriate description of the swiftness of the action taken by the co-operative societies to realise their debts. The house, the cattle and in fact all belongings of the agriculturist debtor are mercilessly attached and nobody can come to the aid of the afflicted zamindar because the societies have at their back the strong hand of law. And then the rate of interest charged by these societies too is not much below the rate of interest charged by the sahukars. As my honourable friend Kanwar Sahib pointed out just now Rs. 9-8-0 advanced as a loan by a co-operative society rises to Rs. 12-8-0 within an incredibly short period of six months.

The Honourable Sardar Sir Jogendra Singh : It is wrong.

Pir Akbar Ali : He says what he has heard.

Lala Bhagat Ram : The real trouble began like this. When zamindars found that co-operative societies advanced loans on comparatively easy terms they borrowed huge sums of money little knowing at that time that whereas interest charges of the societies were low their methods of recovery were troublesome enough. Moreover, money borrowed at the time of inflated rates is being recovered by the co-operative societies at a time of great trade depression. Matters have come to such a head, that many well-to-do people in villages have gone bankrupt. The number of those who have really benefited by the activities of the co-operative societies is very insignificant. So it is not difficult to see that the zamindars in general do not make much difference between the societies and the sahukars. It is immaterial to them who devours them, a wolf or a tiger. If trouble is to come to them it is alike if it comes from this quarter or that. And it is admitted by all reasonable men that Co-operative Department has also added to the difficulties of the zamindars to a great extent. But in spite of all this many of us are still adamant to emphasise in glowing terms, the little good that has accrued to the province from the so-called beneficent activities of the department, it is the same thing, as thanking the stars that the fall of a friend though it has resulted in his death has broken no limb of his. Under these circumstances it does not behove the Government to accord a step-motherly treatment to the money-lenders as opposed to other banking agencies of the country. We do not want to lengthen the proceedings of the Council as we know that what has to come will certainly come. What we want to urge upon the attention of the Government and this honourable House is that we should refrain from taking such legislative action which may be unfair and unreasonable according to all canons of equity. With these words, Sir, I support the amendment now before the House.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadian, Rural) : I have not the slightest desire to waste a single minute of this House by covering the ground which has already been covered by so many speakers. It will be absolutely wrong to place co-operative

✓ [R. B. Ch. Chhotu Ram.]

societies on the same footing as private money-lenders. Grounds for making a distinction between money-lenders and co-operative societies have been very definitely and clearly stated by previous speakers. I know that the speech made by Chaudhri Riasat Ali was very much welcomed by a certain section of the House. I can also quite understand why that was so. But let me say that to some extent the Honourable Minister himself has misunderstood the real spirit of Chaudhri Riasat Ali's speech. It was painful to him to find that zamindar members who ought to have readily appreciated the co-operative movement had begun to condemn it. I think that is a wrong interpretation of the speech of Chaudhri Riasat Ali. I know that he is as staunch a supporter of the co-operative movement (*hear, hear*) as the Honourable Minister himself. What he really wished to convey was that certain abuses had crept into the administration of the Co-operative Department and that the mentality of officers who at one time used to exhibit a missionary spirit had developed a spirit of *hakimi*. I think these are the two grounds which have been causing uneasiness in the minds of those who are great supporters of and great believers in the beneficent character of this movement. If the Honourable Minister or his lieutenants had been prompt enough to ascertain the real reason for the resentment that has been displayed, I think that speech would not have been made. I need not dilate upon this aspect of the question any longer. This gentle hint ought to suffice.

I would just say one sentence in the end. We are trying to pass this Bill into law. I hope that it will pass into law. But when this Bill has been passed into law, let us hope and even pray that it will result in some further curtailment of the credit of the zamindar. When that curtailment has come, let us not forget that we must have something upon which we can fall back. When credit becomes curtailed, we ought to have some agency which will be in a position to fulfil the legitimate requirements of the agricultural population. The only agency which can supply the legitimate requirements of the credit of the agricultural population is the Co-operative Department. With that idea in front of us we should not make a mistake in supporting the amendment moved by Mr. Chetan Anand. As a matter of fact I may make the position of my party quite clear on this point. There was no intention at any time to support this motion at all. The only object was to draw, rather emphatically, the attention of the Honourable Minister to some of the abuses that have crept into the administration. (*Hear, hear*).

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural): I regret very much that the object of the motion has been entirely misunderstood by people who have spoken against the amendment. The motion covers two institutions, the co-operative societies and the commercial banks. The debate here has largely centred on co-operative societies. Those who have opposed the amendment have sung the praises of these co-operative societies and those who supported the amendment have carefully confined themselves to the very same societies. But really there are two institutions which are covered by this amendment, the commercial banks and the co-operative societies.

Before I take up the argument put forward by the Honourable Minister for Agriculture and the member for Sahikhupura who was also a member of

the Joint Parliamentary Committee (Sardar Bahadur Sardar Buta Singh). It is essential that I must point out that we are at present dealing with a Bill which has got one object. The Honourable Minister, Sardar Bahadur Sardar Buta Singh and Nawab Fazl Ali made it absolutely clear in their speeches that the Bill was really aimed at the sahu-kars. Therefore they were anxious that these co-operative societies should be kept out of the purview of this Bill, because otherwise it would destroy these societies. (*An honourable member*: No, no). The words actually used by the Nawab Sahib were that we should not play the *na dehtid* to our own people. It was said that the co-operative societies must not be brought within the purview of this Bill, because after all we must pay to somebody, we must not be dishonest. That was the remark made by Mr. Balbir Singh who sits on these benches. He said definitely, "Well, after all it is not safe that you are not to pay any debt. You may not pay the debt to the sahu-kar; but surely, why object to the payment of debt lent to you by co-operative societies?" That is the underlying idea that I find emphasised in the speech of the Honourable Minister for Agriculture, of the honourable member who just preceded me (Rao Bahadur Chaudhri Chhotu Ram), of Nawab Fazl Ali and of all the other members who have spoken against the amendment. Therefore, what we fear and what the public at large, which is not called agricultural, fear is that the intention of the Bill is not to pay back the loans advanced by a particular class of people. That has been made absolutely clear. That fear has really been responsible on the part of honourable members opposed to this amendment for not bringing the co-operative societies within the purview of this Bill. (*Interruption*). When co-operative societies have been brought within the purview of a Bill of this kind in the Central Provinces there is absolutely no reason why they should be exempted for the law which we are now considering. At the outset we were not aware exactly what was in the mind of those who were sponsoring this Bill. Now the cat, as they say in the proverb, is out of the bag. (*Rao Bahadur Chaudhri Chhotu Ram*: It was never in the bag).

Now, why should those who uphold the cause of co-operative societies—and I am one of them—why should they be afraid of these co-operative societies being brought within the purview of this Bill? (*An honourable member*: The reasons have already been given.) Quite so. I am now going to examine them. It is stated that the co-operative societies have already got a certain amount of concessions which they give to debtors. If debtors who get these concessions are not fools they will not go and take shelter behind these conciliation boards. They will be satisfied with the concessions given by the co-operative societies. There will therefore be no need for this exhibition of anxiety on the part of the supporters of co-operative societies to exclude the societies from the operation of part IV of this Bill. They say, we have got a clean hand, we are here to protect the agriculturists, we are here to protect the debtor; our concessions are far beyond those that are dreamt of under this part. Do you think that debtors are foolish? If they get concessions from the co-operative societies, why should they go to the conciliation boards? The argument is absurd on the very face of it. If your rates are favourable, if your terms are more favourable than given under the conciliation board, then no fool would go to the

[Mr. Nanak Chand Pandit.]

conciliation board and the co-operative societies can come with clean hands and say, place us by all means under the boards; we have nothing to fear, it is the sahukar that does these tricks, but we are not afraid of anything. No reply can be made to this argument. The object of the Bill and the conciliation board is to relieve indebtedness of the peasant proprietor or the agriculturists or certain other classes of people. That is all. Now we know from our own experience that if an agriculturist has to get relief he must get from all people, from all classes and from all societies. What does it benefit an agriculturist if instead of being in the clutches of a sahukar he goes and takes loans from the co-operative societies? How is he benefited if instead of taking Rs. 2,000 from Ram Narain he goes to a co-operative society and is unable to repay it and the society does not deal leniently with him? So far as the debtor is concerned, it matters not to him. He wants relief, and if it is your intention to give relief and if it is the intention of the co-operative society to give relief, you should give these people the facilities that they need, the facility of conciliation board, if it is a facility at all, and other things. Then we can know that as a matter of fact, so far as these agriculturists are concerned, their main object is not merely to take debts, but their main object is to be relieved of the debt that hangs heavily upon them. Therefore, my submission is—I am now dealing with commercial banks—people should not be allowed to organise themselves into commercial banks. By organising like that and evading the provisions of this Act, these people will again fall into their clutches. This point has not been dealt with up till now. Supposing 5 or 6 sahukars join together and start a commercial bank and instead of carrying on their business in one particular manner they now carry on their business in a different way. How is that a matter of relief to these agriculturists or to the people who have borrowed? I, therefore, say that the object in the minds of those who are opposing this motion is clear, namely, that it is to destroy a particular class of people and to save others and the co-operative societies. That is their main object, and this has been made absolutely clear by the various speeches delivered here. I just want to say one or two things before I sit down, and this is with reference to the speech of the honourable member who has left his seat (Sardar Buta Singh), who spoke about the Alienation of Land Act and Delhi being converted into Haveli. If these people have to pay the price of these things by their blood, murders do take place and you cannot blame the sahukar. That is an important point which must not be missed. He is paying with his life, and these murders are quite common. Therefore, my submission very briefly and very strongly too is, if you are really serious and earnest in affording relief to the debtor you must bring within the purview of this Bill, if this is an honest Bill, if this is a good Bill, if this is a good law, all those persons and classes of societies which lend money to people. There must be no loophole left and the relief must be genuine and real.

Mian Nurullah (Lyallpur South, Muhammadan, Rural): After the speech of the leader of my party I feel that I need not speak and emphasise the point which he has clearly mentioned. But hearing the honourable member Mr. Nanak Chand Pandit and the insinuations that he has made against the very object of the Bill, I feel that I must say a few words. In

the first place it should be very clear that this business must go on ; zamindars must be financed during the harvest operations, and we need certain kinds of institutions. We want all sorts of institutions to live but to live honourably and deal with us fairly. We only want to cut the knot where it is unjust, where it is objectionable and where it is not fair. We do not want to kill anybody ; we want to help and want them to do things in an honest way.

As regards the second point which the honourable member has mentioned regarding the exclusion of these banks from the provisions of the conciliation boards, I might reply him in a word. As has been stated by the Nawab Sahib, provisions for arbitration do exist in the co-operative societies. Then, why create another body to duplicate and prolong the thing ? As regards commercial banks, I may mention that this is a world of credit and finance. The more civilised the country, the better organised, the better effective and efficient this machinery of credit is. Therefore, at this stage when our societies and banks are being built up, we can ill-afford to cut off the arteries of supply open to the zamindars. The only fear that comes to our mind is when we read the newspapers, and see so many resolutions being passed to boycott the zamindars and not pay them a single rupee, and so on. Now, Sir, they want to destroy us. They want to hit us. But we want them to live fairly and deal with us fairly and take advantages in a fair and straightforward way. Being afraid of these resolutions expressly stated in newspapers, we want to keep other institutions alive. We do not want to cut ourselves outright. I, therefore, oppose the motion.

Mr. Mukand Lal Puri (Punjab Industries) : I do not want to enter into any lengthy discussion at this stage of the debate. The speeches that have been made on the floor of this House against this amendment and the anxiety which is displayed by the zamindar members, some of whom are directors of these co-operative societies and the co-operative banks to their inclusion within the purview of the provisions of the conciliation boards, is the greatest condemnation that could possibly be made of the provisions which are contained in the part of the Bill before us. It is recognised, Sir, that submission to the jurisdiction of these conciliation boards means the death knell of the creditor, be he an individual or be he a society or be he a bank ; and it is urged that we are not prepared to run the risk of our co-operative societies, of our co-operative banks where the zamindars themselves are creditors, of being liquidated. The simple proposition is this. Is this exclusion of co-operative societies and banks being claimed in the interest of the agricultural debtor or is it being claimed in the interest of these co-operative societies and banks ? If it is claimed in the interests of the debtors, the co-operative societies are identically the class which should be included because the outcry is against agricultural indebtedness, and the co-operative societies lend exclusively to agriculturists. The outcry is against debts borrowed during a period of inflated prices being realised at a time of agricultural depression, and the debts advanced by co-operative banks and societies are identically the debts against which relief is pre-eminently called for, and which should be included within the purview of the Bill, if the outcry for relief is at all genuine. Therefore when these banks and societies are attempted to be excluded by the agriculturists from the operation of the provisions of this Bill, you may take it, Sir, that the exemption is not being

[Mr. Mukand Lal Puri.]

claimed in the interest of the debtor, but the exemption is being claimed in the interest of these societies and banks. Otherwise if you look at the interests of the debtor alone, is it not to his interest that all his debts whether he owes to a commercial bank or a money-lender or a co-operative society, ought to be liquidated all together? Is it at all in his interest that a provision should be made to liquidate all his debts except the debts due to a particular society or a particular bank? Is a partial settlement in his interest? Would this be at all to his interest? The only argument which member after member from the other side has advanced is that they want exemption of the co-operative banks in the interests of these banks because these banks are likely to be useful to them in future and also because they have proved useful to them in the past. I particularly draw the attention of the House to the remarks made by Chaudhri Chhotu Ram, who said that the result of these conciliation boards is likely to be to kill—that has been the expression he used (*Rao Bahadur Chaudhri Chhotu Ram*: I did not use that word.) I beg his pardon, 'destroy' is the word that he used—their other sources of credit and therefore let them not run the risk of destroying this source of credit also, which has been of service to them in the past and which is likely to be useful to them after the other sources of credit have ceased to exist or give credit. Therefore I submit, Sir, that the greatest condemnation of the provision of the conciliation boards is to be found in the attempt to exclude these institutions which belong to the zamindars and in which they claim to be themselves creditors, from the baneful jurisdiction of these boards. I am reminded of the words of Nawab Fazl Ali. He said, "why do I want these co-operative societies to be excluded? It is not because their exclusion would work to the advantage of a particular debtor, but because in these co-operative societies *'we ourselves are the creditors and we are borrowers also.'* Therefore where you yourselves are the creditors you would not like to submit these institutions to the jurisdiction of conciliation boards, although you would insist on this novel procedure where other people are the creditors. No doubt you can do so with a light heart because the creditors are people who are not of your class, but do you call that fair or just or equitable? You do not need any relief where you yourselves are the creditors, but where other people are creditors, every measure of expropriation is legitimate. All the other creditors may go into liquidation but *your* credit institutions must not be allowed to run the remotest risk of harm. Therefore to me the course of the debate has demonstrated that these provisions as to the conciliation board are veritably believed by these gentlemen, the zamindar and the Government themselves to be calculated to sound the death knell of any creditor who will have to submit to their jurisdiction, and therefore I say that if you want to arrive at a fair and equitable piece of legislation relating to these boards, legislate equally for all. Kindly do submit your banks and societies also to the provisions of this Bill. I will ask my friend Sardar Bahadur Buta Singh, he is a director of a co-operative bank, to submit his own decrees, and his own debts also to the superintendence of and to the fatherly and brotherly help of these conciliation boards, when he is so keen that the debts and decrees of his neighbour, another creditor, should be so dealt with. And if you do that I shall be glad. I am for commercial banks,

I am for co-operative banks. I take this opportunity to state publicly that co-operative movement, inspite of its drawbacks, has done a lot of good, it is good for the zamindars, it should be encouraged and it should receive every support (*hear, hear*). But my reason for not excluding the co-operative societies is this that if you applied this legislation to co-operative societies also, you are likely to legislate properly and not make the provisions relating to these boards as ridiculous as they have emerged out of the select committee. I have before me a document written by one of the persons connected with the co-operative movement, by a person who is practically the head of the department. He is afraid of uncertainty and other inconveniences of these boards, and is apprehensive that if the co-operative banks are included there is a great danger of all these institutions being liquidated. You are prepared to run the risk of every other creditor and credit institution in the country being liquidated, but you would not like to take that risk for yourself and your government institutions. I want their inclusion not with the desire of causing any injury to them, but with a view to induce you to legislate fairly and equitably for other creditors as well. It is with this object that I wholeheartedly support the amendment of Lala Chetan Anand.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural): Sir, a good deal of heat has been generated in the House by the speeches made from our side as well as the other side. But the gist of the whole thing has been overlooked. As regards the speeches from the Unionist party side, what they meant was that there were certain defects in the administration of the co-operative societies which should be mended or removed, otherwise as regards the principle of the co-operation there could be no question from their side. The reason why I think these societies should be excluded from the purview of this Bill is that the Bill which we are introducing in the Council is a relief Bill. Relief is wanted in cases in which there is pain or distress. In cases where there is no pain or distress, no relief is wanted. Already these societies are giving the needful relief, and the reason why these were brought into existence was that after the passing of the Punjab Alienation of Land Act, there was an impression that there will be no credit left for the zamindars with the sahukars. It was only to provide that credit that these societies were brought into existence, and as regards their benefit and the reason why they should be excluded from the operation of this Bill I would submit that the rate of interest charged by them is simple and there is no compound interest. Secondly, there are arbitration boards amongst them. With these bodies existing within these societies where is the necessity of duplicating the work of the officers and the members? Surely the conditions of these societies are not hard like those of the money-lenders. If a harvest fails, then the society or its members postpone all the executions of their decrees and the recoveries of their dues. As regards commercial banks it has been said that not a word has been said by any member of the Unionist party. It was only the other day that it was said that commerce should be not hampered. If you bring these commercial banks within the purview of this Bill, then you will curtail the chances of development of commerce.

Mr. Mukand Lal Puri: It is only when a man cannot pay that you go to the conciliation board.

Khan Bahadur Malik Zaman Mehdi Khan : All the other provisions of the Bill will apply to these commercial banks. Then there is another mistaken idea about the co-operative societies. These are not confined to zamindars. Societies have been started throughout the province for carpenters, artisans, smiths, weavers, clerks and every sort of people, in the towns as well as countryside. You cannot say that these societies are meant only for the benefit of the zamindars. All classes are being benefited by them. For these reasons I oppose this amendment.

Khan Bahadur Sardar Habib Ullah : I move—

That the question be now put.

Mr. President : The question is—

That the question be now put.

The motion was carried.

Lala Chetan Anand (West Punjab Towns, non-Muhammadan, Urban) (Urdu) : Sir, I would like to make one or two observations. It has been said that co-operative societies have been dealing very leniently with the debtors. When that is the case it becomes all the more essential to make the provisions relating to conciliation boards applicable to co-operative societies so that no undue leniency may be shown to the debtors. It has also been urged that since there are auditors to check the work of co-operative societies, they may be excluded from the operation of the provisions of the Bill. But the same can be said of money-lenders because you know that the Punjab Regulation of Accounts Act is in force according to which every creditor is bound to submit a statement of accounts to each of his debtors after every six months. Besides, there is another aspect of the question which has been lost sight of. Suppose a debtor who owes a certain amount to a co-operative society also owes some money to a private creditor. In that case if special facilities are provided to the co-operative society for recovering its debt and the private creditor is left to himself without means of recovering his debt it will create serious difficulties. With these words I submit that debts due to co-operative societies and banks or to commercial banks should not be excluded from the operation of the provisions of the Bill.

Mr. President : The question is—

That in clause 7 (I) the words "or debts due to co-operative banks and societies or to commercial banks" be omitted.

The motion was lost.

Mr. J. D. Anderson (Legal Remembrancer) : I move the following amendment :—

That in sub-clause (1), of clause 7, instead of the words 'commercial banks' insert the words 'the Imperial Bank of India or any banking company registered under the Indian Companies Act, 1913, or the law relating to companies for the time being in force in British India.'

All I have to say is that the term 'commercial banks' is not a term of art and is not capable of exact definition. I suggest that the House should adopt the words which have already been accepted in clause 5.

Mr. President : The question is—

That in sub-clause (1), of clause 7, instead of the words 'commercial banks' insert the words 'the Imperial Bank of India or any banking company registered under the Indian Companies Act, 1913, or the law relating to companies for the time being in force in British India.'

The motion was carried.

Mr. J. D. Anderson : I move the following amendment :—

That in clause 7 (2) the letter and brackets '(a)' shall be omitted.

The motion was carried.

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

—Rao Bahadur Chaudhri Chhotu Ram : (South-East Rohtak, non-Muhammadan, Rural) : I move—

That in sub-clause (2) of clause 7, all the words following the word "debts" in line 2 be omitted.

I further move, if this amendment is not carried—

That for sub-clause (2) (i) of clause 7, the following be substituted :—

- " (i) who is a member of a tribe notified as an agricultural tribe under the Punjab Alienation of Land Act, or
- (ii) who is a member of a class declared by the Local Government as depressed among Hindus, or
- (iii) who is a member of a class among Muslims or Sikhs corresponding to a depressed class among Hindus, or
- (iv) who is a tenant of agricultural land or servant engaged in agricultural pursuit under a person falling in any of the categories specified in (i), (ii) and (iii) or under a tenant of agricultural land, or
- (v) who earns his livelihood mainly by agriculture, or "

Existing sub-clause (ii) be re-numbered as sub-clause (vi).

The scheme which I had in view in tabling these amendments was that if possible this legislation should be made one of universal application. That was the reason why, in the first instance, I had tabled an amendment that the whole of sub-clause (2) be omitted. That amendment, under the ruling of the Chair, cannot be taken up at the present moment. Therefore I have to pass on to the other two alternative amendments. If my first amendment is carried the effect would be that all debtors of whatever class and wherever resident, will be able to claim the benefit of clause 7. There would be no need to specify any particular classes who will be entitled to the benefit of this clause. Naturally a good deal of anxiety is shown by a certain section of the House that as far as possible no legislation should be enacted which will proceed on the basis of caste. Therefore my anxiety was to remove all possibility of that criticism being levelled against this measure as passed by this Council. Consequently I tabled this amendment so that if the other section of the House also agrees, it will be easy to make this legislation one entirely of general application. I have thus placed the broader amendment first. If it is passed this law will apply to all classes irrespective of their caste or creed or their residence. But if there is any opposition to that broader amendment, then I have necessarily to fall back upon my second amendment under which I have had to specify certain classes or castes which should be given the benefit of this legislation. I do not know whether the broader amendment will be opposed by honourable members who represent money-lending interests in the House. If they do not raise any opposition to that broader amendment, then all fear of this legislation being

[R. B. Ch. Chhotu Ram.]

characterised as caste legislation or class legislation would be gone. If there is any opposition then of course the other amendment specifies a certain number of classes or castes which should be given the benefit of this legislation, and in that case this legislation could be called a caste legislation. But the fault of making this legislation a caste legislation will not lie upon our shoulders, but it will really rest upon the shoulders of those who oppose my broader amendment. We have made our position entirely clear from the very beginning, namely, that we wish this legislation to be one of universal application. If, however, in consequence of the opposition of those who profess the greatest possible objection to any caste legislation it is impossible to make the legislation one of universal application, we have no alternative but to specify certain classes or castes which will be given the benefit of this clause, of course, along with the general provision that those who live mainly by agriculture should be able to claim the benefit of this legislation.

The definition of a debtor as it stands at present is vague and indefinite. The principal sub-clause of the definition is that those persons who earn their livelihood mainly by agriculture will be able to claim the benefit of clause 7. It will be an impossible task for courts to ascertain whether a defendant or an applicant before a conciliation board lives mainly by agriculture or not. I think it will increase the work of courts immensely, and not only will the present form of the Bill increase the work but it will make the task extremely difficult. In every suit, whatever the value of the suit may be—it may be a suit for the recovery of Rs. 200; it may be a suit for the recovery of Rs. 2,000, the application of a man who comes before the board may be an application in respect of debts which amount to no more than Rs. 200—in every single case it will be an obligatory issue to be decided by the court or the board whether a debtor lives mainly by agriculture. I think this is casting an unbearable burden upon courts. It is inviting courts to do their work either in a haphazard or perfunctory way or in the alternative to necessitate a very much larger number of judicial officers being engaged than are at present serving under Government. If in every petty case the court has to go into the question whether a person is or is not an agriculturist, whether he lives mainly by agriculture or does not live mainly by agriculture, the result will be an unbearable strain upon courts. That is one reason why I have tabled this amendment. (*An honourable member*: It is not going to the court at all). I mean, before conciliation boards. It comes to the same thing. The boards will also be a class of courts.

Then again, it will be extremely difficult for an applicant to prove the various items of his income. After all, these conciliation boards will be dealing with a class of people who are very ignorant, who are, in 99 cases out of 100, illiterate. They do not keep any accounts; they do not maintain any documents which will enable them to prove whether in any particular year they derived more than half of their income from agriculture or from sources other than agriculture. It will be very difficult for people, in certain areas of the province at least, to prove that their main source of income is agriculture in its narrow sense, the only sense in which they understand it. Take the instance of Hissar district. I think, on the average, people in that district get one crop in four harvests and that is all the income derived by

them from agriculture in its popular sense. They may derive their income, say, by the selling of ghee or by the selling of their cattle or by engaging in manual labour or by working as servants under others. Now, are we going to deprive people, who have a very precarious income from agricultural sources, in spite of the fact that they are agriculturists, of the benefit of this legislation? Will courts look at the average income calculated over a number of years or will they calculate the agricultural income of an applicant for a particular year, for the year in which the loan was taken, or for all the years during which the debt remained unpaid. All these difficulties and all these complications will arise in the way of debt conciliation boards, the applicant debtor and creditor. Therefore unless we specify definitely what classes of people will be entitled to relief under this Bill the object of this legislation will, perhaps, be more than half defeated. In more than 50 per cent. of cases it will be open to courts to hold that a *bona fide* agriculturist has not been living mainly upon agriculture. The removal of these difficulties was one of the main objects which I had in view.

Again, I may draw the attention of the House to the constant complaint that has been made by the representatives of the debtor classes that either the law is too strict, too stringent, too unfavourable to agriculturists or the composition of the present judiciary is such that the interpretation of law in all matters where discretion can be used by courts goes against debtor classes. That has been our sad experience for many, many years.

The Honourable Mr. D. J. Boyd : I think I must ask that no reflections be made upon the courts in this House.

✓ **Kao Bahadur Chaudhri Chhotu Ram :** I am casting no reflection upon any particular court, in respect of any particular case. It is a general criticism of a certain feature of the administration of justice in general terms. Therefore this reflection, not being capable of localisation, does not offend against our rules of business. Still in deference to the wish expressed by the Honourable Finance Member I will drop that argument. Any way you will be making the task of courts much easier if you specify particular classes.

I have given here the classes which should be regarded as debtors. The first class is that of statutory agriculturists. The second class is that of depressed classes. The third class is that which represents depressed class people among Mussalmans and Sikhs where there are no recognised depressed classes. The fourth category consists of people who are tenants on agricultural land or servants of agriculturists or servants of tenants, and so on. The fifth class is the one which is already mentioned in the clause as it stands at present. As a matter of fact class number four also is practically the same as one of the classes specified in the present clause 7. I have simply added three classes. I will try to anticipate some of the objections that may be raised.

It may be said, as it has been said fairly frequently in this House in the course of this discussion, that there are cases in which a statutory agriculturist is not entitled to the benefit of a legislation of this character, one who has been either rolling in wealth or has been spending his money on undesirable objects, a man of that type also would be able to claim the benefit of this legislation. My answer to this criticism is this. There is a clause in

✓ [R. B. Ch. Chhotu Ram.]

this Bill which says that only those persons will be able to claim the benefit of this legislation whose debts do not exceed Rs. 10,000. Therefore to suggest that very big people will be able to claim the benefit of this legislation, if statutory agricultural classes are specified in this clause, is wrong and ill-founded.

Again conceding that a man of that type may in certain circumstances be able to claim the benefit of this clause, will it really do any serious harm if out of 1,000 cases there is just one case in which a man whom our friends representing money-lending interests regard as undeserving of relief under this clause, should be able to claim the benefit of this Act? Will it really be any very serious objection even if the present amendment has the barely possible effect of including one undeserving person along with 999 other persons who are in fact entitled to relief and who may be deprived of this very necessary relief unless we make the law definite and precise? You have to look at both sides of the picture. On the one hand, you may possibly have one man out of a thousand who undeservedly claims the benefit of this legislation; on the other hand, by leaving the clause as it stands we run the risk of depriving a very high proportion of deserving persons of the chances of securing relief under this legislation. After all the object of this legislation is to afford relief to those who are very heavily indebted, who are not in a position to clear off their debts under the ordinary law, and if those heavily indebted people are to be deprived of that relief on the exiguous ground that by specifying certain classes under this clause you run the risk of enabling just one man out of a thousand to get undeserved relief, will that be fair or desirable? I beg to submit that having fixed a limit beyond which relief will not be given by these conciliation boards, that is, if the liabilities of an individual exceed Rs. 10,000 he cannot go before a conciliation board, we cannot maintain that the Bill covers the cases of big men. Thus it is obvious that really big men, really big landholders whom certain friends of ours do not regard as deserving of relief are clearly excluded. As a matter of fact, I feel personally that that limit has been fixed low. The limit of Rs. 10,000 will be excluding a large number of persons who may otherwise legitimately be regarded as deserving of relief. Therefore, while on the one hand I feel that that limit has been fixed low, on the other hand I claim that within that limit there will be no cases of undeserving people getting the benefit of this legislation. But suppose there is just one case out of a thousand, for the sake of that one individual we should not grudge relief to others who are deserving of it.

So far as the second class is concerned—the depressed class people—there, I think, we can proceed easily upon the assumption that cent. per cent. of them are indebted and cent. per cent. of those who go before the boards will be entitled to relief under this legislation. The same can be said with regard to class 3, that is, men who belong to classes not technically depressed but who are Muslims or Sikhs and correspond to depressed classes among Hindus. They have not been recognised under any specific name, but so far as Hindus are concerned depressed classes have already been recognised as definite classes and they are going to be specified by Government if they have not been specified already. Therefore so far as these three classes are concerned you place before your conciliation boards definite and precise information

which will guide them and which will not allow them to go astray. The advantage of definiteness and precision is really very great, and in order not to sacrifice that advantage we should lay aside our sentiment against what we call class legislation. If this legislation results in the good of 99 deserving persons and furnishes just a slight possibility of one undeserving person taking advantage of it, we should not deery it on the ground of this bare possibility.

So far as the other two classes are concerned I have already submitted that they correspond to the classes which are already mentioned under the clause as it stands at present. Therefore, I commend these alternative amendments to the House in the hope that the representatives of urban Hindu classes will not oppose the broader amendment, so that it may be a legislation of equal and uniform application to all the classes. If they oppose the broader amendment then we fall back upon the narrower amendment. The narrower amendment if carried will certainly give a character of class legislation to this Bill, but even the narrower amendment has certain advantages which I have already explained.

In view of these advantages I think our freinds should not object to this clause being passed in the shape of—(*An honourable member* : What is it exactly that is proposed ?) In the first place, make the Bill of universal application so that all debtors of whatever religion and whatever caste shall be able to claim the benefit of this legislation.

Mr. Labh Singh : Which is the exact proposition you are moving ?

✓ **Rao Bahadur Chaudhri Chhotu Ram** : Amendment No. 9, namely:—

That in sub-clause (2) of clause 7, all the words following the word "debts" in line 2 be omitted.

If we adopt this amendment, then there will be no class or caste distinction whatever, and every debtor of whatever class or faith or residence will be able to come before a conciliation board and try to secure relief. If that amendment fails then my next amendment is No. 11. One advantage which will result from the adoption of either of my two amendments will be that this Bill will benefit those people also who reside in urban areas and who belong to labouring classes. There is no reason why the poorer section of the urban population should not receive the same benefit as we are claiming for the rural classes or for classes who follow purely agricultural profession.

I think those of the members of the House who represent urban constituencies owe a duty to those poorer sections of the urban community who stand in need of relief. Is there any reason why they should think only of the interest of 40,000 money-lenders ? It is not going to affect every Khatri, Bania or Arora ; it is going to affect only just 40,000 among whom are also included Khojas, Beoparis, Pathans, Jats, Brahmans and many other classes. Therefore I think it is only fair that the representatives of the urban population, the members who have been returned by urban constituencies, should think first of the interest of those 90 per cent. of the people who cast their vote in their favour and not of that just 1 or 2 per cent. of the population represented by money-lenders. With these words I commend my amendments to the favourable consideration of the House.

Mr. Deputy President : Clause under consideration, amendment moved—

That in sub-clause (2) of clause 7, all the words following the word "debts" in line 2 be omitted.

And again—

That for sub-clause (2) (i) of clause 7, the following be substituted :—

- (i) who is a member of a tribe notified as an agricultural tribe under the Punjab Alienation of Land Act, or
- (ii) who is a member of a class declared by the Local Government as depressed among Hindus, or
- (iii) who is a member of a class among Muslims or Sikhs corresponding to a depressed class among Hindus, or
- (iv) who is a tenant of agricultural land or a servant engaged in agricultural pursuits under a person falling in any of the categories specified in (i), (ii) and (iii) or under a tenant of agricultural land, or
- (v) who earns his livelihood mainly by agriculture, or.

Existing sub-clause (ii) be re-numbered as sub-clause (vi).

Rai Bahadur Mr. P. Mukerjee (Punjab Chamber of Commerce and Trades Association, Commerce) : Sir, I beg to move—

That in clause 7, sub-clause (2), part (i), be omitted, and in its place the following be substituted :—

- (i) who both earns his livelihood mainly by agriculture and is either a landowner or a tenant holding not more than fifty acres of land or a servant of a landowner or a tenant, or.

The object of my amendment is very simple. It seeks to restrict the benefit of this measure to small land-owners or peasant proprietors. During the general discussion that followed after the Bill was moved in the Council at Simla, there was a general impression—at least I carried it with me—that the Bill sought to give protection to those who were needy. I think this view was agreed to by all sections of this House. My amendment is an acid test of the *bond fide* of those who seek relief under this Bill. I consider that 50 acres is a very fair quantity that an average land owner may hold. I think that those who hold beyond fifty acres should not get the benefit of this section of the Act. With these few remarks I commend my amendment for the acceptance of the House.

Mr. Deputy President : Clause under consideration, amendment moved—

That in clause 7, sub-clause (2), part (i), be omitted and in its place the following be substituted :—

- (i) who both earns his livelihood mainly by agriculture and is either a landowner or a tenant holding not more than fifty acres of land or a servant of a landowner or a tenant, or.

Mr. J. D. Anderson (Legal Remembrancer) : Sir, I beg to move—

That in clause 7, sub-clause (2), sub-clause (i) be omitted, and in its place the following be substituted :—

- (i) who both earns his livelihood mainly by agriculture and is either a land owner or a tenant of agricultural land or a servant of a landowner or a servant of a tenant of agricultural land.

I think it is only necessary for me to point out that 'tenant' is a very wide term, and if the intention of this part of the Bill is not to be defeated, it is necessary to limit it. If 'tenant' is left without a qualification, which I have ventured to suggest should be added, then the tenant of urban property will receive the concessions which are denied to the owner of the same property.

Mr. Deputy President : Clause under consideration, amendment moved—

That in clause 7, sub-clause (2), sub-clause (i) be omitted and in its place the following be substituted :—

‘ (i) who both earns his livelihood mainly by agriculture and is either a landowner or a tenant of agricultural land or a servant of a landowner or a servant of a tenant of agricultural land.’

Rai Sahib Lala Labh Chand Mehra (Non-official, nominated) (*Urdu*) : Sir, I beg to move—

That in clause 7, sub-clause (2), part (i) be omitted and in its place the following be substituted :—

‘ (i) who both earns his livelihood mainly by agriculture and is either a landowner or tenant of agricultural land or a servant engaged in agricultural pursuit of a landowner or a tenant of agricultural land.’

Sir, my amendment can be divided into two parts. The first part is covered by the amendment moved by the Legal Remembrancer, and I should think it is acceptable to the Government and the House. I have added the second part because I want that only those persons should benefit by the provisions of this measure whose only pursuit is agriculture, and that such persons as private secretaries or accountants or persons in other ways dependent on the landowners should not come in because the object of the Bill is only to help those who have no other pursuit except agriculture. With these few words I commend my motion for the acceptance of the House.

Mr. Deputy President : Clause under consideration, amendment moved—

That in clause 7, sub-clause (2), part (i) be omitted and in its place the following be substituted :—

‘ (i) who both earns his livelihood mainly by agriculture and is either a landowner or tenant of agricultural land or a servant engaged in agricultural pursuit of a landowner or a tenant of agricultural land.’

Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural) : I support the amendment moved by the leader of my party, Rao Bahadur Chaudhri Chhotu Ram. Since the introduction of this Bill into the Council it has been argued in all parts of the House as also in the Press and on the platform that this is a ‘class measure’, and that Government is creating a ‘privileged class.’ It is to remove this impression that I have got up to support the amendment of my leader. We want to put everybody in the same boat so far as redemption of indebtedness is concerned. (*Hear, hear*). It has been commented upon by the *Tribune* that we are giving a communal tinge to this measure. I shall read just one sentence from yesterday’s issue of this paper—

The only ground on which this extension of the original scope of the Bill can be defended is that a large majority of the Muslim members of the Council, who style themselves as Unionists, are anxious to legislate in such a manner as to restrict money-lending in all spheres of economic life.

It is only with a view to save ourselves from this sort of accusation that I want to support this amendment. Moreover, it should not be lost sight of that among our friends who cannot be termed agriculturists there might be some people who may be suffering even more than the agriculturists. There is no reason why we should withhold our sympathies from those people

[Ch. Riasat Ali.]

They might be poor labourers living in urban or rural areas. They might need our help so far as their financial position is concerned. Therefore, it is necessary that we should extend our help even to those people though they may not be called agriculturists or though they may not be defined as debtors as mentioned in this section. Further, if we examine the language of this clause it will be clear why we should omit the words referred to in the amendment. In sub-clause (2) (i) there is the word 'mainly' in the line 'who both earns his livelihood mainly by agriculture.' This word 'mainly' might bring in very nice points for decision. It might raise various questions of interpretation. Consequently the work of the conciliation boards might be increased and a lot of confusion might also arise. It is to avoid all this, that we want to support the amendment of Rao Bahadur Chaudhri Chhotu Ram.

In the second place, the words 'whose work is connected with agriculture' may give rise to nice distinction and interpretation as to whether a certain man, say, a carpenter, or a blacksmith who repairs carts is doing work connected with agriculture or not. Take, for instance, the case of a man who repairs carts. Carts are used in connection with agriculture as well as for hire purposes. In such a case it would be very difficult to define whether he does work connected with agriculture or not. It is to avoid such distinctions that this amendment is proposed. Government itself is not very definite so far as this clause is concerned, because it has been pleased to put as many as three explanations to this clause of the Bill. It is clear therefrom that they themselves cannot make up their mind in this matter.

Then there is another point. The Bill as it is says that "a debtor does not lose his status as such if he joins the military or naval service of His Majesty." That seems to exclude a person who joins the civil service of His Majesty. Why should they be so excluded? If, therefore, we adopt this amendment we will be avoiding, as I have just pointed, the ambiguities and complications of different interpretations which may be put on these words as they stand in the Bill now.

Another reason I should like to urge in this connection is, that we are already fixing a limit so far as jurisdiction as regards money is concerned; why should we put another restriction on this definition? So far as the amendment of Mr. Mukerjee goes, it limits the application, and this Act shall only be applied in this case to those who possess not more than 50 acres of land. That will be unworkable on the very face of it. Suppose there is a man who owns 50 acres of *barani* land; there is another who owns 50 acres of *chahi* land and there is a third who owns 50 acres, part of which is *barani* and part *chahi*; there is a fourth man who owns 50 acres which are *nehri* (*Interruption*). I am just reminded of a fifth class, namely, those who own 50 acres which are *banjar* or *ghair-mumkin*. Now where is the distinction? We are dealing with all of these men in the same way. A man who has 50 acres of *nehri* is much better than a man with 50 acres of *barani* land and a man with 50 acres of *barani* land is much better than a man with 50 acres of *banjar*. So it will be very difficult if those who earn their livelihood in a particular way are brought in the same category as those who earn their livelihood in another way. Some will be

benefited more than others. Some will be earning less and others nothing. It is difficult to make this distinction and to make these classes. Another thing is that there is already a provision in clause 9 of the Bill, and according to the proviso to that clause the monetary value of the jurisdiction is already fixed. When we are fixing the jurisdiction to Rs. 10,000 or more in terms of money where is the need of fixing jurisdiction in terms of the possession of land? We are fixing a jurisdiction so far as the extent of the debt is concerned. I think that is sufficient, and when we have fixed that limit, it is totally unnecessary to fix another limit in respect of the area of land which a certain man might possess or might not possess. With these words I support the motion moved by my leader and oppose that moved by Rai Bahadur Mukerjee.

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

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural): There are six motions now before the House, because you were absent when these motions were put forward. These are from No. 9 to 14. The first one, that is, No. 9, makes no distinction of any kind so far as the debtors are concerned. So far I am in sympathy with the motion moved by Chaudhri Chhotu Ram. Now supposing that is lost, I shall not be given another chance of speaking and, therefore, it is essential that I should say something about amendment No. 11 standing in the name of Chaudhri Chhotu Ram. I may say at once, and Chaudhri Chhotu Ram will appreciate it, that I am fully opposed to the spirit underlying this amendment. This purely and simply refers to castes, and it is worse than class amendment. Chaudhri Chhotu Ram has brought to his aid the Punjab Alienation of Land Act which defines agriculturists on the caste basis. It has nothing to do with any other basis. There are, as you are very well aware, a large number of castes in the various districts which have been notified as agricultural tribes. The man may or may not be owning any land, he may or may not be carrying on the profession of agriculture. He may be purely a Government servant or a pleader or a doctor, but still he will be regarded as a member of an agricultural tribe. That is a very vicious distinction which is sought to be made in this Act. When the Punjab Alienation of Land Act was passed and later also on various occasions, the Government gave the distinct promise—some time ago I was here when the Honourable Revenue Member made a promise—that its scope would not be widened, it would be restricted for the purposes for which it was passed. Now the attempt has all along been to amend the Punjab Alienation of Land Act. But now this distinction is sought to be made again by Chaudhri Chhotu Ram. Otherwise he should have steered clear of this amendment and should have given proof of his large-heartedness of which he claims in a large measure. (*Rao Bahadur Chaudhri Chhotu Ram*: I promised not to press the other at all). But I must give my reasons why I am opposing amendment No. 11, in case the other is lost. I must say here that even the amendment of the Secretary to Government, Legislative Department, is a little broader than the one given notice of by Chaudhri Chhotu Ram, because it says :

Who both earns his livelihood mainly by agriculture and is either a landowner or a tenant of agricultural land or a servant of a landowner or a servant of a tenant of agricultural land.

[Mr. Nanak Chand Pandit.]

All these members of agricultural tribes who carry on their profession of agriculture or are landowners or agricultural tenants or agricultural labourers come in in spite of this definition. Not only these, but other people who do not belong to this class but who are carrying on the profession of agriculture or are tenants of agricultural land also come within the purview of the amendment of the Government Member. So this amendment is really a broader amendment than the one based on caste which Chaudhri Chhotu Ram has moved. The second part of the second sub-clause is to be attacked on the same ground, "who is a member of a class declared by the Local Government as depressed among Hindus." Now certain classes have been declared as such under the rule which shall work during the Reforms. But there are other classes which have been excluded, and those classes among the Hindus will not have the benefit of the provisions of the Act. There are a large number of such classes which are not declared to be depressed. That is an important point so far as the Hindus are concerned. Then take the proposed clause (iii) to sub-clause (2) : "who is a member of a class among Muslims or Sikhs corresponding to a depressed class among Hindus." Let me warn the other classes that we are suffering from a disease and the disease should not spread among the Sikh or Muslim communities. You will be creating castes among your communities. You will have to go out and find out who are the Muslim Bangis, and so on, and they will be clamouring to have the same castes. You have been saying all along that Muhammadans do not recognise any castes, Sikhs do not recognise any castes, and therefore it was that times out of number it was pressed before the authorities who frame the new constitution that these depressed classes do not exist so far as Muslims and Sikhs are concerned. You have got nothing like the Poona pact or other wretched pacts of that kind among you. But I may tell you quite frankly that this may divide the various communities, as our wretched community is already divided. This is a warning which I give. There are parts (iv) and (v) to this sub-clause which are undoubtedly not based upon any caste. If the first 3 parts are removed, I would be prepared to support (iv) and (v). But a legislation framed on the basis of birth or religion—and this is admitted by Chaudhri Chhotu Ram himself—must be resisted by the Council by every possible means. If Chaudhri Chhotu Ram's amendment No. 9 fails I am bound to give support to the Government amendment No. 13.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) (Urdu) : Sir, I rise to make a few submissions, and I would like to make them in Urdu so that all the honourable members may fully understand them. Amendment No. 9 which stands in the name of Rao Bahadur Chaudhri Chhotu Ram is very necessary. (*Interruption*). I specially request the honourable the Hindu members to listen to my submissions very attentively. It is very regrettable that there are only representatives of the capitalist classes in this House to take part in the discussion of the Bill. They criticise the provisions of the Bill only from their point of view and not from the point of view of the classes whether Hindus or Muhammadans, who are groaning under the burden of debt. The result of this is that the newspapers are carrying on a one-sided propaganda against the present Bill, and this is injurious to the interests of the province at large. The newspapers only

publish the ideas which are expressed by these honourable members who are representing their capitalist interests. They never take the trouble of reading the provisions of the Bill and the amendments proposed to be made in them and their effects on the Bill as a whole. They, on account of the adverse criticism which proceeds from these benches never try to form an independent opinion about the Bill. On account of this the newspapers are carrying on an adverse propaganda against the Bill. They have painted the Bill in dark colours, and have conveyed to them that the Government is partial towards the zamindars. Through the agency of newspapers it is conveyed to the public that this Bill is being passed for the benefit of the agricultural classes and the people connected with agriculture. The honourable the leader of the zamindar party has now brought forward an amendment in order to make the application of this Bill general so that all classes of people, whether agriculturists or non-agriculturists, Hindus or Muslims may be benefited by it. The honourable member representing Hoshiarpur has also very generously supported this amendment. But there are some other honourable Hindu members who are opposing it. I submit that I belong to Sargodha a place where one gets every opportunity to meet the zamindars freely and to study their condition. (*Interruption*). Sargodha is a place where one can study the condition of the zamindars. There are many grain markets in the vicinity of this town. The business in these markets has become very slack. The condition of these grain markets is not prosperous. Nearly all the people who are carrying on business in these markets are Hindus. The low prices which have made the condition of the zamindars deplorable have also affected these Hindu dealers in grain. They are also in debt like the zamindars. About 90 per cent. or at least 75 per cent. of these grain dealers have applied to be declared insolvent. This amendment will have the effect of extending the benefit of the provisions of the Bill to them also. It is very necessary to save these small businessmen. (*Interruptions*). Honourable members who interrupt me are rich people. They have large amounts deposited in the banks. A lakh of rupees which they deposited in a bank some twenty years ago must have become by now 20 lakhs. They are capitalists, and have shares in many business concerns. They own many firms and factories, and they have got so many other means of income. They have got small businessmen under their thumb. They profit at the expense of these small people, and do not want to relax their hold over them. By this amendment it is proposed to help the small businessmen to stand on their legs, whether they are Hindus or Muhammadans. But they do not want to safeguard their interests. They only care for their own interests. And in order to safeguard their own capitalistic interests they have started an adverse propaganda against this Bill. They are carrying on a campaign of invectives against this Bill. All their criticism, propaganda and railing against this Bill are only to safeguard the interests of a few capitalists. The Sikh, Hindu and Muhammadan agriculturists and small businessmen have been ruined by these capitalists who want to increase their own power. It is very necessary to save the masses from the clutches of these people. The big capitalists claim to be the protector and saviour of the large numbers of small businessmen and small dealers, but they want to exploit them by keeping them in darkness. They by their vociferousness never give the people a

[Shaikh Abdul Ghani.]

chance to understand their benefit and the purpose underlying this Bill. At present by supporting this amendment they have got a chance to show to the people their sincerity to protect their interests. By the present amendment all classes of people will be able to have the benefit of the conciliation boards which will be constituted under this Bill when passed into an Act. By taking their cases to these boards for decision people would be saved from expenses which they incur when they take their cases to civil courts. Supposing, Sir, a creditor has to recover sums from 15 different men. If he wants to take action against them all, it means he would have to bring 15 suits against them. For 15 suits he will have to engage lawyers. He will pay them their fees. Then he will also have to pay stamp fee. All this means a large amount of money. But if he is given the choice of taking his case to a conciliation board he would be saved all this huge expenditure. (*Interruption*). I have sent an amendment to the effect that the cases should not be allowed to be conducted by lawyers before the conciliation boards in order to save the parties from every sort of expenditure. I request the occupants of these benches to take pity on the condition of the people who are under the crushing weight of debt. It is necessary to save them from ruin. If the present state of affairs continued any longer the zamindars will be ruined, and the small businessmen will also be ruined. The whole business will come to a stand-still. To save commerce it is necessary that the small businessmen should be given relief. For the welfare of business and the prosperity of the province this amendment should be accepted and the benefit of the conciliation boards extended to all classes of people. Let all people without any distinction derive benefit from this measure. If honourable member will think seriously they will find that there is no harm in accepting this amendment.

Mr. Nanak Chand Pandit : To which amendment is the honourable member speaking ?

Shaikh Abdul Ghani : I am speaking to amendment No. 9 that this Bill should be made of general application. There is a certain section of the House which is interested in limiting it to a particular class. I submit that the amendment moved by the honourable Chaudhri Chhotu Ram should be accepted, and in this way the Bill should be made of general application so that the business of the province may be saved. If the small traders and businessmen are allowed to run into bankruptcy the trade of the country will be affected and it is very necessary to protect trade.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Sir, the question may now be put.

Mr. President : Question is—

That in sub-clause (2) of clause 7, all the words following the word "debts" in line 2 be omitted.

The motion was carried.

The Council then adjourned till 2-30 P.M. on Friday, 16th November 1934.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Friday, 16th November 1934.

The Council met at the Council Chamber at 2-30 P.M. of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

QUTAB ICE FACTORY, LAHORE.

***3931. Chaudhri Allah Dad Khan :** With reference to the answer to starred question No. 8441,¹ asked on the 28th June 1934, will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the Qutab Ice Factory on the Railway Road, Lahore, has been working during 1933-34 in spite of the fact that the factory's licence was not renewed for that year ;
- (b) if the answer to the above be in the affirmative, what action was taken or is now intended to be taken by Government or the Lahore Municipality against the factory owners for running the factory without a licence ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) The owner of the factory was prosecuted. The case is still pending.

DUST NUISANCE IN POLICE LINES, QILLA GUJAR SINGH.

***3932. Chaudhri Allah Dad Khan :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the roads and lanes inside the District Police Lines, Qilla Gujar Singh, are all *kacha* and are full of dust which is affecting the health of the police staff occupying the barracks ;
- (b) if so, what action is proposed to be taken to remove the dust nuisance from the police lines ?

The Honourable Mr. D. J. Boyd : (a) All the pathways in the District Police Lines, Lahore, are *kacha*. There is nothing to indicate, however, that the health of the police occupying the barracks in the lines has been affected.

(b) I regret that lack of funds prevents an improvement in the amenities of these and other police lines.

LORRIES BETWEEN NAROWAL AND ZAFARWAL.

***3933. Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that motor lorries plying for hire between Narowal and Zafarwal in the Sialkot district are generally overloaded by the drivers thereby causing great trouble and inconvenience to the travellers ;
- (b) whether it is also a fact that there is no agency to check such irregularities ;
- (c) if the answer to (b) above be in the affirmative, why no arrangements have been made to check such irregularities ;
- (d) if the answer to (b) above be in the negative, the name of the agency appointed to check these irregularities and the names of the lorry drivers who have been challaned by this agency in this connection during the last two years ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Overloading undoubtedly takes place to a certain extent, but no complaint of general overloading has been received.

(b) The local police at Narowal and Zafarwal thanas are responsible for checking breaches of the Motor Vehicles Rules along this road.

(c) Does not arise.

(d) (i) The agents responsible are the police officers in charge for the time being of each of the thanas.

(ii) Ghulam Muhammad, Hans Raj, Mahbub Alam, Muhammad Shafi, Dawarka Nath.

PUNJAB RELIEF OF INDEBTEDNESS BILL.

Clause 7 (concluded).

Mr. President : The amendment that in sub-clause (2) of clause 7 all the words following the word " debts " in line 2 be omitted, was carried yesterday. I have, therefore, to put sub-clause (4) of clause 7 to vote.

Chaudhri Riasat Ali : There is an amendment of mine that sub-clause (3) be deleted and unless I formally move its deletion I am afraid it will stand part of the Bill.

Mr. President : Sub-clause (3) becomes redundant in view of the amendment which was passed yesterday. If an amendment becomes unnecessary in consequence of a previous amendment, it is the duty of the Chair not to put the subsequent amendment. I do not, therefore, propose to allow sub-clause (3) to be moved. I shall now put sub-clause (4) of clause 7 to the House.

Mr. Labh Singh : I think that this sub-clause would be very much out of place here. The definition of a term should properly be relegated to the first chapter.

Mr. President : That is a matter which will be gone into by the committee which will suggest consequential amendments at the last stage of

the Bill. If this sub-clause is misplaced that committee will give it its proper place.

The Honourable Dr. Gokul Chand Narang : There is also another thing. This sub-clause reads :—

“Prescribed” means prescribed by rules made under this part of the Act.

There may be rules made under other parts of the Act and the word “prescribed” may be defined better in general terms to mean prescribed by rules made under this Act.

Mr. President : The Honourable Member is right, but the drafting committee will set it right.

Mr. Labh Singh : It is very doubtful—for that is not a verbal point at all—if the drafting committee would be empowered to so change the definition as to allow the term to be either relegated to the first or the last part of the Bill

Mr. President : The question is—

That sub-clause (4) of clause 7 stand part of the clause.

The motion was carried.

Mr. President : I may point out before putting the clause that the definition of “debtor” as passed by the House yesterday, i.e., “debtor means a person who owes a debt or debts,” is exactly the dictionary meaning of the word. Besides, the word “debtor” is defined in sub-clause (2), that is, after the term “debt” which is defined in sub-clause (1). Will it not be proper to change the order of the two sub-clauses? That appears to be a more natural order, but I leave it to the member in charge of the Bill.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : These consequential amendments could be made later by the drafting committee.

Mr. Labh Singh : Before we exercise our vote, will it be competent for me to put a question to the Legal Remembrancer about the meaning of the clause as it stands and its legal implications?

Mr. President : At this stage the Legal Remembrancer, like the honourable member himself, is one of the law makers and not an interpreter of law.

Mr. Labh Singh : I only want to know whether a mortgage made in the city of Lahore would be safe if the Act is extended to that city.

Mr. President : If there are defects they may be remedied by an amending Bill. This is not the stage at which we should interpret the law. I have received notice of the following amendment from Rao Bahadur Chandhri Chhotu Ram :—

That in sub-clause (2) of clause 7, line 2, after the word “debts” the following words be inserted “as defined in sub-section (1).”

This is an amendment for the addition of words. But I may point out that it is unnecessary to allow the word “debts” to remain where it is, as the singular includes the plural. I think the words “or debts” should be deleted.

Mr. Mukand Lal Puri : There is no harm in emphasising that the word is used in its ordinary dictionary sense.

Mr. President : That is the reason why I have ventured to suggest that the words "or debts" be deleted ; but if the House wishes to retain them, there is no harm. If the words "or debts" are omitted and Rao Bahadur Chaudhri Chhotu Ram's amendment is accepted the clause will become quite clear.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I beg to move—

That in sub-clause (2) of clause 7, line 2, after the word "debts" the following words be inserted : "as defined in sub-section (1)."

Mr. President : There are two objections to this amendment. The words "or debts" do not fit in with it. Besides, the House has passed an amendment in the latter part of the clause and, therefore, we cannot go back and move an amendment to an earlier part.

Mr. Mukand Lal Puri : Is the honourable member not going to move that amendment then ?

Mr. President : Article 68 of our Standing Orders runs as follows :—

A motion must not, except with the permission of the President raise a question substantially identical with one on which the Council has given a decision in the same session.

So we cannot re-open to-day what we decided yesterday.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I am quite satisfied with the ruling. I beg leave to withdraw my amendment.

Mr. President : If the whole House wishes me to allow the amendment to be moved as a special case, I will have no objection.

Mr. President : The question is—

That clause 7 as amended stand part of the Bill.

The motion was carried.

Clause 8.

Mr. J. D. Anderson (Legal Remembrancer): Sir, I beg to move—

That for clause 8, the following clause be substituted :—

"8. (1) (a) The local Government may for the purpose of amicable settlement Setting up of Debt Con- between debtors and their creditors establish debt ciliation Boards. conciliation boards.

(b) The local Government shall define the local limits of the area in which any board shall have jurisdiction.

(c) The local Government shall determine the pecuniary limits of the jurisdiction of the board, provided that no board shall have jurisdiction to make a settlement between a debtor and his creditors if the total debts of the debtor exceed Rs. 10,000 or such larger amount as the local Government may prescribe for any area.

(d) Such board shall consist of a chairman and two or more members to be appointed by the local Government.

(e) the chairman and every member of a board so established shall be appointed for a term not exceeding three years, but shall be eligible for re-appointment on the expiry of his term.

(f) The quorum of a board shall be prescribed by the local Government.

(g) Where the chairman and members of a board are not unanimous, the opinion of the majority shall prevail, and if the board is equally divided, the chairman shall exercise a casting vote.

- (2) The local Government may cancel the appointment of any member of a board or dissolve any board.
- (3) The local Government shall notify in the Gazette—
 - (a) the establishment of a board and the appointment of its members; and the board shall be deemed to have been established and its members appointed from the date of such notification or notifications;
 - (b) the cancellation of the appointment of any member of a board; and from the date specified in such notification the member shall cease to be a member of the board;
 - (c) the dissolution of a board; and from the date specified in such notification the board shall cease to exist.
- (4) When a board is dissolved or ceases to exist otherwise, the local Government may at any time establish another board within the same local limits in which the former board had jurisdiction and may declare this board to be the successor in office of the first board and may confer on it power to dispose of such applications under section 13 (2) and section 22 as the local Government may direct."

The amendment is mainly one of drafting to make clear certain points which before were not obvious. It also provides in clear words for the establishment of a board in certain cases to act as successor to the original board.

Mr. President : New clause proposed—

That for clause 8, the following clause be substituted :—

- " 8. (1) (a) The local Government may for the purpose of amicable settlement between debtors and their creditors establish debt
 Setting up of Debt Con- conciliation boards.
 ciliation Boards.
- (b) The local Government shall define the local limits of the area in which any board shall have jurisdiction.
- (c) The local Government shall determine the pecuniary limits of the jurisdiction of the board, provided that no board shall have jurisdiction to make a settlement between a debtor and his creditors if the total debts of the debtor exceed Rs. 10,000 or such larger amount as the local Government may prescribe for any area.
- (d) Such board shall consist of a chairman and two or more members to be appointed by the local Government.
- (e) the chairman and every member of a board so established shall be appointed for a term not exceeding three years, but shall be eligible for re-appointment on the expiry of his term.
- (f) The quorum of a board shall be prescribed by the local Government.
- (g) Where the chairman and members of a board are not unanimous, the opinion of the majority shall prevail, and if the board is equally divided, the chairman, shall exercise a casting vote.
- (2) The local Government may cancel the appointment of any member of a board or dissolve any board.
- (3) The local Government shall notify in the Gazette—
 - (a) the establishment of a board and the appointment of its members; and the board shall be deemed to have been established and its members appointed from the date of such notification or notifications;
 - (b) the cancellation of the appointment of any member of a board and from the date specified in such notification the member shall cease to be a member of the board;
 - (c) the dissolution of a board; and from the date specified in such notification the board shall cease to exist.
- (4) When a board is dissolved or ceases to exist otherwise, the local Government may at any time establish another board within the same local limits in which the former board had jurisdiction and may declare this board to be the successor in office of the first board and may confer on it power to dispose of such applications under section 13 (2) and section 22 as the local Government may direct."

Mr. Mukand Lal Puri (Punjab Industries): I am opposed, as I said

3 P. M.

yesterday, to the entire principle of the conciliation boards as they have been proposed by the select committee. I had given notice of a motion to delete the entire provisions relating to conciliation boards embodied in part IV of the Bill. You, Mr. President were pleased to rule that the discussion on that motion might very well take place when the particular clauses relating to conciliation boards came up for discussion. I think the best time for discussing the subject is the present when it is proposed to constitute conciliation boards. We are dealing here with the question of relieving indebtedness in this province and we have been told that similar legislation is being attempted in other provinces also. I like to remind the House of what the Calvert Committee unanimously reported. There is no precedent for the appointment of these conciliation boards, in any of the reports which they were asked to study, i.e. the Report of the Labour Commission or of the Agricultural Commission or of the Banking Enquiry Committees or in any other report which has dealt during the last few years with this vexed question. The only justification which the Calvert Committee had for suggesting the experiment of the conciliation boards was the Bill which at that time had been introduced in the Central Provinces Legislative Council and which was placed in the hands of the members of the Calvert Committee practically towards the end of their deliberations. As the committee was naturally anxious to find any means by which this problem could be tackled, it made a very halting recommendation that the provisions relating to conciliation boards as laid down in the Central Provinces Bill might be given a trial in connection with their recommendations relating to Petty Insolvencies Bill made in the report. That, I submit, is the only precedent which the Punjab Government had for entering upon this thorny and doubtful piece of legislation. But the fundamental basis of the Central Provinces Act was the provision which it enacted for better realisation of scaled down debts, and enforcement of agreements arrived at between creditors and debtors under the influence of conciliation boards. That provision is to be found in section 16 of the Central Provinces Conciliation Boards Act which lays down that once the conciliation boards have functioned and an agreement has been arrived at between the creditor and the debtor, the amount so settled will be treated as a decree of the court and will be realised as arrears of land revenue. Now, the Punjab Government, if they want to proceed on the basis of what has been laid down in the Central Provinces Act, should have taken that Act in its entirety and enacted it bodily for this province. If they had done so, they would certainly have one precedent for creating such conciliation boards, and I, for one, would have no grievance.

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

But the Punjab Government have carefully omitted the basic provision of that Act, that is, section 16 of the Central Provinces Act (*An honourable member*: Deliberately), yes have deliberately omitted that provision for the realisation of debt as arrears of land revenue. That is why I submit that there is no precedent in any legislation outside this province for the creation of conciliation boards of the kind which is now contemplated in this measure. Rao Bahadur Chaudhri Chhotu Ram in his written opinion

which is to be found in the printed list of opinions circulated to us, while dealing with this matter himself suggested that he would in course of time suggest a method by which the scaled down debts would be realised. He has not done so, nor did he ask the select committee to include any such provision in the Bill. Every member of the House knows that similar proposals for reducing debts in the United Provinces Legislative Council were not assented to by the Governor. Sir Malcolm Hailey in returning the Bill to the Council said that any attempt at scaling down debts must necessarily be accompanied by providing greater facilities for the realisation of the debts. In fact our new member, Mr. Zaman Mehdi Khan, while speaking only the other day on this subject said that once the debts were scaled down greater facilities must be provided for their realisation. It was expected therefore that when this Bill was circulated and opinions on those lines had been expressed by the public as well as by officials and when opinions on those lines had been even ventilated on the floor of this House before this Bill went to the select committee, the select committee before it proceeded to consider these provisions should have attempted to find some solution of the difficulty which had been suggested with respect to these conciliation boards. At the very early stage of our discussions it was made clear to us that the Government were not in a position to accept the underlying principle of section 16 of the Central Provinces Act, nor were they in a position to try or suggest any other ways by which the scaled down debts could be realised. Therefore it was not possible to enact any legislation on any proper lines. In those circumstances the proper course for the committee was to drop these provisions and not to proceed with them. But unfortunately, it will be noticed that the select committee not only did not embody that salutary provisions which has been embodied in the Central Provinces Act, but have made the Bill absolutely one sided which no right minded person should be prepared to accept.

With respect to the other provisions of the Bill, the original Bill introduced by the Government had left everything to the agreement between a debtor and majority of his creditors and the decision of the conciliation boards. Every one who considered the question of the personnel of the conciliation board found himself faced with the difficulty of finding proper persons who could be invited to become members of these boards. Our failure in the matter of panchayat officers, the complaints which have repeatedly been made and are being made in almost all the districts with respect to the assessment of *hatsiyat* tax, and the working of the various district boards and municipalities, do not encourage us to hope that we will be able to find the right type of men. In fact Rao Bahadur Chaudhri Chhotu Ram himself gave expression to the same view in the select committee and said that he was really very apprehensive in this matter. I am quoting from the proceedings of the select committee which have been placed in our hands. He was apprehensive as to the personnel of the conciliation boards. When everybody feels doubtful on a matter like this, when it is difficult if not impossible to find men who would in these circumstances be expected to deal out fairly and squarely, is it not proper to drop these provisions? Is it proper to proceed with this part of the Bill? Now, what is the solution? Rao Bahadur Chaudhri Chhotu Ram having felt that it will not be possible to find the right kind of men, what was the method by which he proceeded

[Mr. Mukand Lal Puri.]

to solve this difficulty? What is his solution of the problem? I have submitted that the Bill had left the decision of the question as to whether there should be conciliation or not to the conciliation boards. Rao Bahadur Chhotu Ram's solution of the difficulty was, since it is not possible to rely upon the conciliation boards, make them subservient to the debtor. The effect of the Bill as it has emerged from the select committee is not to make the decision dependent upon the will of the conciliation boards but to make the decision dependent upon the will of the debtor whether the conciliation boards like it or not. When I use these words I measure every one of the words and I am prepared to demonstrate to the House that whatever views the Government had about the conciliation boards the amendment made in the select committee makes the conciliation boards absolutely subservient to the debtor. It does not allow the conciliation board to bring about a conciliation.

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

It makes the debtor dictate the conciliation to the conciliation board which the conciliation board must accept. That has been the effect of amending one or two provisions of the Bill and I may be permitted to point out that all those amendments were made even against the views of the official members of the select committee. Clause 11 of the original Bill was as follows:—

The board may at any time dismiss the application if, for reasons to be stated in writing, it does not consider it desirable to attempt to effect a settlement between the debtor and his creditors.

Mr. President : What is the honourable member discussing now?

Mr. Mukand Lal Puri : I am trying to impress upon the House that the provisions relating to conciliation boards should be deleted and I am showing that the provisions with respect to conciliation boards as they have emerged out of the select committee make the institution of the conciliation boards absolutely hopeless and ridiculous and therefore this Council ought not to enact this clause 8 which authorises the Government to institute conciliation boards.

Mr. President : The honourable member is violating the rule of anticipation.

Mr. Mukand Lal Puri : I was only adducing it as an argument why the provision in clause 8 should not be accepted. I am not at present asking that clause 11 should be amended. I am showing that the provisions relating to conciliation boards as now proposed are so hopeless and ridiculous that the Council should not waste its time in discussing them any further. I earnestly ask the Government members to go through the provisions of the Bill again and to see whether the effect of the conciliation boards as now proposed by the select committee is not to make them entirely subservient to the debtor, and whether the conciliation boards have any power or jurisdiction to conciliate at all and whether the present provisions do not enable the debtor with the consent of one creditor to impose his decision upon the conciliation boards even when these boards feel that the particular decision is unjust and inequitable. That is my reason for craving your indulgence in asking the members of the zamindar party to listen to me as most

of them have not carefully read the provisions as amended by the select committee and to ask them, if they think that the proper way of conciliation is that the will of one party should be imposed upon the other. If that is their view they are quite welcome to it, but the Government should realise its responsibility, and should do things with open eyes. I respectfully submit that this is the only effect of the provisions even with the additional security of the Central Provinces Act taken away. I submit that under clause 11 it is not possible for the conciliation board, when an application is put before it, to dismiss that application on the ground that the application does not fall under clause 8, that it is not even a proper application.

Mr. President : Is that a reason for not constituting the conciliation boards ?

Mr. Mukand Lal Puri : Yes.

Mr. President : The honourable member will please speak to the motion. His discussion relates to the powers of the board, while the question under discussion just now is whether the board should be constituted or not.

Mr. Mukand Lal Puri : Do you want to constitute the board without powers ? Do you wish me to confine myself—

Mr. President : The honourable member should not go to provisions which are not yet under discussion.

Mr. Mukand Lal Puri : I use them as illustrations in support of my arguments.

Mr. President : Illustration is one thing and discussion another.

Mr. Mukand Lal Puri : Again you see in section 12 the first six lines have been omitted.

Mr. President : I cannot allow discussion of clause 12.

Mr. Mukand Lal Puri : I am not referring to these provisions in detail. But I wish to submit that the powers of dismissal of the petition have been taken away from the boards by the select committee which existed in the Central Provinces Act and which were originally in the Punjab Bill. The only power given to the conciliation boards by the select committee to dismiss the petition is where the petitioner does not prosecute the petition with due diligence or where no amicable settlement has been arrived at. The amicable settlement which the select committee has accepted as conclusive is an amicable settlement even with one creditor.

Mr. President : That matter will be discussed later.

Mr. Mukand Lal Puri : Therefore the conciliation boards as proposed by the select committee against the opinion of official members, but now recommended by the Punjab Government are such that they leave the decision of the matter entirely in the hands of the debtor. That will be a matter for discussion at a later stage if you so please. But I wish to emphasise at this stage that it is not merely the injustice which is likely to be perpetrated by these provisions which should induce this Council to drop the idea of constituting conciliation boards but also the uncertainty which they will introduce in our economic life and in relations between creditors and debtors and their effect upon courts and their decisions. In a district

[Mr. Mukand Lal Puri.]

to which this part of the Bill is extended, what would be its effect? No person would bring a suit which would come within the purview of the conciliation boards against any person because the Bill provides that as soon as an application is made by a debtor to a conciliation board, all proceedings against him in all courts will be *ipso facto* stayed. A person would be a fool indeed who would waste his money on court fee, etc., when he knows very well that those proceedings can be stopped and effectively stopped without even the orders of a court, or a conciliation board, by the simple expedient of putting in an unstamped application.

Mr. President : Again the honourable member is speaking about the exercise of powers by the conciliation boards. He is not discussing the question of constitution or establishment of boards.

Mr. Mukand Lal Puri : What I am submitting is that the setting up of these conciliation boards will introduce an element of uncertainty and confusion to which this House ought not to be a party.

Mr. President : The honourable member's objection is that the conciliation boards should not be established because the powers proposed to be conferred upon them might result in injustice to certain people, is that so?

Mr. Mukand Lal Puri : Yes.

Mr. President : That is not the matter under discussion now and if the honourable member wishes to advance it as an argument one sentence is quite enough.

Mr. Mukand Lal Puri : I was trying to show what the effect would be in areas where the conciliation boards are constituted.

Mr. President : That I cannot allow to be discussed at this stage. When the other provisions are taken up the honourable member will be well within his rights to discuss that question. On every amendment I cannot allow the whole Bill to be discussed. I have allowed every sub-clause to be taken up and discussed separately so that every honourable member may have an opportunity to have his say. I cannot allow on every sub-clause the whole Bill to be discussed.

Mr. Labh Singh : Most of the sub-clauses of this major clause now under discussion are procedural and ancillary. Thus sub-clause (a) embodies the principle under which these boards are to be constituted and if a member when discussing it and opposing it is not permitted——.

Mr. President : All clauses or sub-clauses are not under discussion.

Mr. Labh Singh : I am referring to clause 8 (1) (a) and that refers to the constitution of the conciliation board.

Mr. President : Is the honourable member making a speech?

Mr. Labh Singh : I am only putting it to you, Sir, that a member is well within his rights when he is defining the powers of that board. What is a board without powers? Is it a bouquet, a bucket?

Mr. President : The powers of the board are to be discussed under subsequent clauses and sub-clauses. Am I to understand that honourable

members wish all sub-clauses to be discussed together? If so, I have no objection.

Mr. Labh Singh : Not at all. But in discussing this sub-clause (a) it is absolutely unavoidable that the principal features of these boards should be brought to the notice of the House, for that is what constitutes the board.

Mr. President : No. Those features need not be discussed now. Every member is supposed to have read the Bill. When the whole clause is put, then the subject matter of every sub-clause will be open to discussion.

Mr. Labh Singh : Can we discuss this when the discussion of the entire clause takes place?

Mr. President : Of course.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It would be convenient to discuss the principle at this stage rather than leave it to a later stage.

Mr. President : My fear is that when the following sub-clauses are taken up there will be a discussion again and a lengthy discussion too on each sub-clause, though it is discussed now. Otherwise I do not mind. If the honourable members wish to discuss together all sub-clauses relating to conciliation boards I shall gladly allow them to do so.

Mr. Mukand Lal Puri : I bow to your ruling and I will finish up in two sentences. The effect of the appointment of conciliation boards in any district would be to suspend the work of the civil courts in that district, while it will create unnecessary alarm and anxiety in districts to which they have not been extended and persons likely to be affected by them would be in constant fear of their being extended to them. Besides, this House ought to bear in mind that the conciliation boards are proposed to be a permanent feature of the Punjab statute book and are not, as should be the case and as is usual with such legislation constituted to tide over a temporary difficulty which is alleged to have been created by exceptional circumstances. Under these circumstances I am strongly opposed to the constitution of conciliation boards.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadan, Rural) : Sir, Mr. Mukand Lal Puri has trotted out arguments which he has used more than once on the floor of this House and my inclination was not to make any reply whatever to the speech. As a matter of fact, I had advised my party not to take any notice of his speech at all.

Mr. Mukand Lal Puri : But you cannot help.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** But he has introduced two or three things which call for a reply. He has suggested that it would be practically impossible to find suitable men to sit on these conciliation boards. In proof of this suggestion he said that panchayat officers had proved a failure. He further suggested that the assessment of professional tax had shown that suitable men were not forthcoming for this purpose either. When he had made these allegations I thought it would be only right to make some reply, because I feel that allegations of this type are an insult to the intelligence of the province and a most undeserved slur on the character of the Punjabis.

✓ [R. B. Ch. Chhotu Ram.]

I refuse to believe, that a province which is able to produce commissioned officers serving under the Crown in the army—

Mr. Mukand Lal Puri: On a point of order. I quoted a report of the select committee where Rao Bahadur Chaudhri Chhotu Ram is recorded to have entertained grave doubts with regard to the personnel of these conciliation boards. I am quoting from the proceedings of 29th August.

Mr. President: Does the honourable member wish to correct the facts of the honourable member's speech?

Mr. Mukand Lal Puri: He himself pointed this out.

✓ **Rao Bahadur Chaudhri Chhotu Ram:** I remember distinctly that he stated that it would be practically impossible to find suitable men to serve on the boards. What I pointed out was that the usefulness of these conciliation boards really depended on the personnel. That suggestion is perfectly sound. So much will depend on the personnel that it was only right that I should give a caution that the personnel should be very carefully selected. Because if unsuitable people are selected to serve on these boards, then they may at times proceed in a manner which may be very detrimental to the interests of the debtor. At other times they may proceed in a manner which may be very detrimental to the interests of the creditor. That is what I wished to convey by the words which Mr. Puri has referred to. But there is no justification for Mr. Mukand Lal Puri to suggest that suitable men will not be available. I am entitled to submit that this province has been able to supply men to fight for the King and the country and fight in a most creditable manner whether as a private soldier or as a King's commissioned officer (*hear, hear*).

The Honourable Dr. Gokul Chand Narang: Are they going to fight?

✓ **Rao Bahadur Chaudhri Chhotu Ram:** The Honourable Minister can very well understand that there is no paucity of men suitable for any class of work in this province. This province has been able to produce Governors, produce members of the Executive Council of the Governor, produce members of the Executive Council of the Viceroy and produce Ministers like my honourable friend. There is thus no reason to suppose that this province will fail to produce men fit to serve on these boards. That is the suggestion which I wish to make. Mr. Mukand Lal Puri also suggested that panchayat officers did prove a failure.

Mr. President: That point the honourable member may leave.

✓ **Rao Bahadur Chaudhri Chhotu Ram:** I certainly thought that it was absolutely irrelevant, but as an irrelevant suggestion has been made, I may be allowed to reply. Such a suggestion shows the rank ignorance of the honourable member. He does not know what a panchayat officer is and what his functions are, or whether he has been a success or a failure. He probably thinks that these panchayat officers were discharged because they had proved a failure. But the truth is different. These panchayat officers formed a cadre which had come into existence last of all and was, therefore, the first to go when the scheme of retrenchment was given effect to. That cadre was not abolished because it had proved a failure at all. As a matter

of fact, their work was very highly appreciated by the Honourable Minister for Local Self-Government, and in abolishing this cadre he did not wish to cast any reflection on the manner in which these panchayat officers had behaved or discharged their duties.

There was another very unhappy expression used by Mr. Mukand Lal Puri when he said that it is the injustice of these conciliation boards or unjustness of these conciliation boards that compelled him to oppose their institution. I do not know what he meant, whether he meant that these conciliation boards when constituted would prove unjust or whether the proposal to institute these boards was unjust in itself. If he had made his meaning clear I would have been in a position to reply to that part of his criticism.

Mr. Nanak Chand Pandit : Why take the trouble ?

Mr. Mukand Lal Puri : Because his party asked him to do so.

✓Rao Bahadur Chaudhri Chhotu Ram : In order to show that he has been reckless in his criticism and adopted an irresponsible line of attack on these conciliation boards.

Mr. Mukand Lal Puri : You do not understand it.

Rao Bahadur Chaudhri Chhotu Ram : It is very difficult for me to understand you.

Mr. President : No personal remarks, please.

✓Rao Bahadur Chaudhri Chhotu Ram : What exactly he meant by saying this, I have already submitted, I was unable to follow. If he simply wanted to say that the institution of these conciliation boards is an act of injustice, I beg to differ from him very violently. If he suggested that these conciliation boards when formed would prove unjust, I beg to submit that this is a very uncharitable estimate of an institution which has not yet come into existence and which has given no cause whatsoever to anybody to draw hostile inference about their future conduct. There was just one more remark which was made by Mr. Puri. That was that we had failed in this province to copy the example of the Central Provinces in that we had failed to make any provision for the realization of debts as arrears of land revenue. Now those who are in any way connected with land know very well that when any due has to be realized as an arrear of land revenue then the land belonging to a landholder is liable to be sold. Now, so far as the Punjab landholders are concerned, they were given a very necessary protection against their expropriation by the Punjab Land Alienation Act. The honourable member probably wishes to nullify this protection. Unfortunately whenever any question is under discussion the members who represent urban interests in this House somehow or other must drag in the Land Alienation Act and try to say something in denunciation of that very wholesome measure. As usual they have again succumbed to the temptation of having a fling at the Land Alienation Act. The object of the present Bill is to give relief to landholders and not to dispoil them of the property in respect of which they enjoy a certain amount of protection under the Land Alienation Act, and if my friend really meant that either official members who served on the select committee or members representing land-owning

✓ [B. B. Ch. Chhotu Ram.]

classes should have agreed to a proposal to amend or repeal the Land Alienation Act, in order to recover debts as an arrear of land revenue he was very much mistaken. That was an invitation on his part for us to walk into his parlour and we are not going to accept that invitation (*hear, hear*).

Mr. Labh Singh (Rawalpindi Division and Lahore Division, North, non-Muhammadan, Rural): I wanted just to correct an impression given expression to by Rao Bahadur Chaudhri Chhotu Ram when he was controverting what Mr. Puri had said. He had characterised that the provision was unjust and that it was only likely, to quote the words of the honourable Rao Bahadur, that there were grave apprehensions regarding the personnel of the boards. He has quoted before you the words which he himself employed and he expressed very grave apprehensions as to the success of these boards and presumably he was opposed to the constitution of these boards on the grounds mentioned by him. Mr. Puri, I think, used the word "unfair" or he might have used the word "unjust." But I chanced to go through these opinions and I find that very competent persons whose opinions were invited and notably some of the officials expressed themselves much more vigorously. I do not propose to quote all the opinions against the constitution of these boards which are in our hands, but I have just glanced through the first 5 or 10 pages and I discover at page 5 the opinion of the Deputy Commissioner, Multan, who says—

I am opposed even to experimenting with boards, which, so far from conciliating, are likely to lead to protraction of litigation, to a fresh out-crop of tricks and stratagems designed to delay payment and defeat justice and to a not inconsiderable waste of time and money.

This is the opinion expressed by an experienced Deputy Commissioner, Mr. E. P. Moon.

Mian Nurullah: With how many years' experience?

Mr. Labh Singh: I pass on to page 11.

Here is the opinion of a district and sessions judge. He says—

The establishment of the proposed board strikes me as a pompous futility. The provisions of section 10 contemplate that only those cases will come before the board where the debtor is unable to pay his debts.

I am referring to these two or three opinions, and opinions very much to the same effect were expressed by the High Court although in language which was much more moderate and subdued. The sessions judge goes on—

This sub-section,
(referring to section 12 (2))

appears to me to be iniquitous in the extreme, especially in view of certain other sections of the Bill which are considered below. To lay down that a man should be permanently debarred from claiming his rightful dues merely because his adversary has succeeded in keeping him from putting his case before the board is an absolute denial of justice, and is bound to lead to all sorts of grossly underhand tactics in keeping creditors from placing their case before the board.

I need not go on reading from the opinions of private gentlemen or associations. There is one point on which all opinions whether expressed by officials or non-officials agree and that is this, that some sort of arrangement for payment should be a necessary feature of these conciliation boards. If

these boards are to be constituted without making any arrangement for payment, it may be 25 per cent. 30 per cent, or it may be to the extent of one half of the property of the debtor, in the way in which the Central Provinces Act provides, the whole thing would be purely unjust, and unjust is certainly not a very strong word to use in this reference. You postpone the remedy, you allow the debtor to defraud the creditor to the fullest extent and you reduce the nominal amount which stood in the books of the creditor without giving him any compensation, without allowing him to proceed against even the property of the debtor. What sort of conciliation this is I fail to understand. It is a wholly one-sided affair. I do not refer to the other features of these conciliation boards, namely, that you do not permit lawyers to appear, nor do I refer to that other odious feature that you allow no appeal, no revision, no standard of evidence or anything of that kind. Two or three gentlemen chosen perhaps haphazard whose qualifications are not defined in the provisions of this clause are to constitute the board. I fully endorse the remarks made by my friend on my left (Mr. Mukand Lal Puri) and oppose the constitution of these boards unless their features are brought into line with the Central Provinces Act or with the demands of fairness and justice.

The Honourable Mr. D. J. Boyd : One very small matter. The last speaker said the constitution of the conciliation boards did not admit of the appearance of a legal practitioner. According to the Bill as it has emerged from the select committee there is a provision for the appearance of legal practitioners before the boards.

Mr. President : The question is—

That sub-clause (1) (a) of the proposed clause 8 stand part of the clause.

The motion was carried.

Mr. President : The question is—

That sub-clause (1) (b) of the proposed clause 8 stand part of the clause.

The motion was carried.

Khan Bahadur Nawab Mian Muhammad Hayat Qureshi (Shahpur West, Muhammadan, Rural) (*Urdu*) : Sir, I beg to move—

That in the proposed clause 8, sub-clause (1) (c) for the words "Rs. 10,000" the words "Rs. 25,000" be substituted.

It has been provided in the clause that the conciliation boards shall have jurisdiction to make settlement between the debtors and creditors only in cases where the total debt of a particular debtor does not exceed Rs. 10,000. This pecuniary limit of the jurisdictions of these boards is not fairly high, for I believe that in various colonies there are many agriculturists who own one or two squares of land but whose debts in each case exceeds Rs. 10,000. In the Central Provinces Act also the pecuniary limit of jurisdiction of such boards is fixed at Rs. 25,000. I, therefore, do not see any reason why in this Bill also the pecuniary limit of jurisdiction should not be raised to Rs. 25,000. With these words I commend my amendment for the acceptance of the House.

Mr. President : Clause under consideration, amendment moved—

That in the proposed clause 8, sub-clause (1) (c) for the words "Rs. 10,000" the words "Rs. 25,000" be substituted.

Lala Chetan Anand (West Punjab Towns, non-Muhammadan, Urban)
(Urdu) : Sir I beg to move—

That in the proposed clause 8, sub-clause (1) (c) for the words "Rs. 10,000 or such larger amount" the words "Rs. 5,000 or such smaller amount" be substituted.

It has always been urged on the floor of this House that the petty cultivators or the petty debtors in this province badly stand in need of a measure like the one now before the House. But if the maximum pecuniary limit of the jurisdiction of the conciliation boards as is provided in the Bill, is allowed to stand, it will on the one hand increase litigation and will on the other hand benefit the big bellied zamindars to whom none of us would like to afford any relief. I, therefore, suggest that Rs. 5,000 or such smaller amount as the Local Government may prescribe in this behalf should be fixed as the maximum pecuniary limit of the jurisdiction of these boards.

Mr. President : Clause under consideration, amendment moved—

That in the proposed clause 8, sub-clause (1) (c) for the words "Rs. 10,000 or such larger amount" the words "Rs. 5,000 or such smaller amount" be substituted.

Mr. Labh Singh (Rawalpindi Division and Lahore Division North, non-Muhammadan, Rural) : I beg to move—

That in the proposed clause 8, sub-clause (1) (c), for the figures Rs. "10,000," the figure, "Rs. 1,000" be substituted, and for the word "larger" the word "smaller" be substituted.

There is no doubt that we are bound to be guilty of repetition to some extent in discussing these various amendments, but it is equally clear that to some extent it is unavoidable. It has been said over and over again that this Bill is designed principally to give relief to the petty agriculturists. But if you place a limit of Rs. 10,000 or even go beyond it, or even fix the lower limit at Rs. 25,000 as suggested by the honourable member, Khan Bahadur Nawab Muhammad Hayat Qureshi, it is obvious that we are not out to afford relief to the petty debtor or petty agriculturist but we are really anxious to wipe off all debts by a surreptitious method, by a method which on the face of it is not sufficiently open, sufficiently honest. If the legislature is to enact a Bill by which all debts are to be wiped off that would be a position which would be intelligible. In this indirect method to wipe off large debts even to the tune of Rs. 25,000 does not strike one as fair or reasonable. Various economic authorities have from time to time tried to estimate the income of individuals in India. Estimates were made by Dadhabhoy Naoroji, Mr. Digby, and others a long time ago and their estimates were that the average income of an individual in India did not exceed an anna or half an anna a day which means Rs. 12 a year. (*Interruption.*) That was in 1890, as the honourable member opposite says. Let us take that things have since improved. I am prepared to accept the figure which may be furnished to me by the honourable member interrupting. Will he say if things have improved a hundred per cent. or two hundred per cent. ? (*Interruption.*) I am prepared to take it on his authority that things have improved 500 per cent. and let us assume that the average income of an Indian to-day is Rs. 60 and not Rs. 12 as it was in the year 1890. If the average income of an Indian is Rs. 60 or in its neighbourhood, what could be the idea in giving relief to people whose debts amount to Rs. 25,000 or Rs. 10,000 or for the matter of that Rs. 5,000 ? I would submit that there

is then really no sense in enacting this Bill if it embodies figures like this. It would be plausible, it would even be clearly just, it would be assented to by everybody if we give relief to people, say whose debts do not exceed Rs. 500. But if we go to a larger figure, then really the entire measure becomes one of pure and simple spoliation. Supposing this amendment is carried, namely that the lower limit of Rs. 25,000 be substituted in place of Rs. 10,000, what would be the effect? Have you cared to enquire the number of cases in our courts whose value is in excess of Rs. 25,000? The number of such cases must be very few indeed. If an analysis of the figures of the money suits which are now pending in the various districts of the province is made properly, after due inquiry we will find that courts are

4 P.M.
mostly occupied with cases the value of which is much less than Rs. 10,000. It has already been explained that if once this provision regarding the constitution of these conciliation boards is brought in the Bill, our courts would cease to function, but if this provision places the limit of the jurisdiction of these courts at Rs. 25,000 or anything like that the net result of that would be that all our courts would cease to exist. I am not here to defend the existence of the courts, but I only want the House to contemplate the implications of the proposal which is under discussion. It would mean that more than 90 per cent. of our courts will have to shut their shops. It may not be perhaps a very bad thing from some people's point of view, but what I am anxious to bring to your notice is this that this implication of this amendment should be kept in view when we are voting for or against it.

It is really a matter of extreme regret that the House is not in a mood to give a dispassionate consideration to the measure which is before us. It is really to be regretted that the Government is really too much under what I might call the "debtor influences." There are debtor influences everywhere. There are debtor influences to the right of them, there are debtor influences to the left of them, there are debtor influences in front of them and there are debtor influences behind them. (*Laughter*). (*An honourable member*: And volley and thunder!) (*Laughter*). Government to my mind is, partly in this case, for the time being at any rate helpless. It is being pulled by the nose from the front propelled from behind by a *vis a tergo*, and elbowed out of position from either side.

Mr. President: There is no such motion before the House.

Mr. Labh Singh: That is the only point. We are in full agreement with the avowed object of the Bill, namely that relief may be given to the petty agricultural debtors. But when people who have borrowed to the tune of thousands or people who have borrowed to the tune of lakhs come forward and in the guise of this Bill they want to help themselves, we must raise our voices in protest. We must invite the attention of Government to the inequity of the entire procedure and we must caution them against the way in which they are proceeding and we must respectfully ask them to steer clear of the influences which are being brought to bear upon them and which are warping their judgment in the wrong direction. With these few words I would propose that my amendment may be put to the House and I would ask the House to accept it.

Mr. President : Clause under consideration, amendment moved—

That in the proposed clause 8, sub-clause (1) (c), for the figure "Rs. 10,000" the figure "Rs. 1,000" and for the word "larger" the word "smaller" be substituted.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : Sir, I move—

That in the proposed clause 8, sub-clause (1) (c), the word "larger" after the words "Rs. 10,000 or such" be omitted.

In the first place, I do not understand the meaning and object of fixing a limit when it is to be exceeded. It is a contradiction in term and I do not understand why the honourable Legal Remembrancer has allowed this sort of defective draft to be incorporated in the Bill. Government fixes a limit and then says, well it may be exceeded.

My honourable friend from Sargodha has proposed to raise the limit of Rs. 10,000 to Rs. 25,000 and in support of his view he quotes the Central Provinces Act. I do not understand why if the Central Provinces Act and the Central Provinces procedure has to be followed, it should be followed only in certain aspects, and not in others. The present Bill is a strange combination of sense and nonsense. You borrow something from the Central Provinces Act and you borrow another thing which is altogether inconsistent; you incorporate something which is absolutely inconsistent with what is to be found in the Central Provinces Act. The Central Provinces Act allows debts to be recovered as if they were arrears of land revenue. Whenever any proposal of this kind is made, the honourable leader of the opposition or the honourable leader of the rural classes simply stands up and says that the question should not be entertained for a minute. If no means are to be found for the recovery of the debt what is the use of raising the limit of the board's jurisdiction.

Sir, I would invite your special attention to the fact that marked contrast should not be allowed to exist in the legislation having its force in this country. In the case of ordinary courts you allow appeals to the Judicial Committee of the Privy Council in London when the value of the suit is Rs. 10,000 or more and here you allow suits of the value of more than Rs. 10,000 to be heard by a board about the impartiality of whose members you have great doubt; yet you say that from the decrees of that board there will be no relief, no appeal and no revision. Please do not allow such grave inconsistencies to come on the statute book. It is with a view to removing the inconsistency found in the draft that I have moved the amendment and I hope it will be accepted by the Government benches and the honourable members opposite.

Mr. President : May I ask the honourable member to explain how his amendment, if accepted, would affect the sub-clause as it stands ?

Diwan Bahadur Raja Narendra Nath : If the word "larger" is struck off, then the sense will be all right. The sub-clause will then read : "....no board shall have jurisdiction to make a settlement between a debtor and his creditors if the total debts of the debtor exceeds Rs. 10,000 or such amount as the local Government may prescribe...."

Mr. President : If the word "larger" is omitted, the purpose of the amendment will not be served; on the other hand the clause will get quite a different meaning.

Diwan Bahadur Raja Narendra Nath : My amendment was with reference to the original clause as it existed in the Bill when it emerged from the select committee. I did not pay sufficient attention to the wording of the present clause.

Mr. President : Even the original clause had the same words.

Diwan Bahadur Raja Narendra Nath : My meaning will be clear if the word 'smaller' is substituted for the word 'larger.'

Mr. President : That is a new amendment of which I have received no notice. Again, if the honourable member's amendment is at all accepted the result will be that the words 'Rs. 10,000' must also go.

Mr. Mukand Lal Puri : Sir, you will notice that in amendment No. 2—

Mr. President : I am not concerned with that amendment. I am concerned with the amendment moved by Raja Narendra Nath. It is not for the honourable member to reply. Speeches by proxy cannot be allowed in this Council. Raja Sahib is the Leader of the Party and can speak better than any one else.

Diwan Bahadur Raja Narendra Nath : I think the clause should read—

...no board shall have jurisdiction to make a settlement between a debtor and his creditors if the total debts of the debtor exceed Rs. 10,000 or such smaller amount as the local Government may prescribe for an area.

Mr. President : I have received no notice of such amendment.

Diwan Bahadur Raja Narendra Nath : I have made my meaning clear and I leave it to the honourable Legal Remembrancer to redraft accordingly if the amendment is accepted.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : Sir, I rise to support Mr. Labh Singh's amendment. The honourable members who have moved amendments asking the House to accept Rs. 10,000 or Rs. 1,000 do not know the effect that the amendments will have on the situation in the country. I wish to make it absolutely clear that, so far as the present litigation is concerned, in the case of suits above the value of Rs. 5,000 direct appeals lie with the Honourable Judges of the High Court. The Honourable Judges of the High Court, as every one is aware here, are recruited from the most intelligent and the most experienced class of people.

The Honourable Mr. J. D. Boyd : It might cut things a little bit shorter if I were to tell the honourable members that we are not dealing with suits: suits are not in question at all.

Mr. Nanak Chand Pandit : I am not talking of suits. I am talking of the present day machinery of dealing with suits of large value.

The Honourable Mr. D. J. Boyd : It is not a question of suits at all.

Mr. Nanak Chand Pandit : If the honourable member had waited a little I would have made my meaning clear.

The Honourable Mr. D. J. Boyd : Your predecessor said the same thing and he did not make his meaning clear.

Mr. Nanak Chand Pandit : Appeals in the case of suits of the value of Rs. 5,000 lie directly to the High Court Judges who are recruited from the most intelligent and the most experienced class of people, and their appointment does not rest with the local Government, their appointment really rests with the Secretary of State, who makes these appointments on the recommendation of the High Court Judges.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Not by the Secretary of State, but by His Majesty the King-Emperor under a Royal Warrant.

Mr. Nanak Chand Pandit : Very well. So you will see that the possible safeguards are utilised for the appointment of those gentlemen who deal with cases above the value of Rs. 5,000 and the result of that is that not only they are competent to give the final decrees but in cases where the value involved is Rs. 10,000 or above an appeal is permitted under the Civil Procedure Code to the Lordships of the Privy Council. Here we have a constitution to deal with cases of this kind where the appointment of the conciliation boards is to rest with the local Government. What sort of experience are these gentlemen going to have? Are they to be recruited from the class of people from among whom the High Court Judges are recruited? Are they to be recruited from the class of people from which district and sessions judges are recruited? Are they going to be recruited from among the great lawyers who make large amounts of money? If so, it would be a very expensive machinery if that system were to be adopted for the appointment to these posts on the conciliation boards. What I wish to point out is that naturally these people would be men of ordinary ability, men without experience to deal with cases of this kind and possibly open to bribery and corruption as people with little ability and less experience generally are. The wording of clause 7 as passed by the Council itself shows that people are not expected to have any confidence in these men. What is the constitution of the conciliation board? It is to consist of one representative of the debtor class, one representative of the creditor class and the third will act as a sort of umpire or arbitrator. Naturally the representative of the debtor class will uphold the cause of the debtor and the representative of the creditor class will uphold the cause of the creditor. These two will, therefore, be fighting between themselves and it will be for the third member to give the final decision. Therefore, the very constitution of this board stands condemned. The result of such a constitution of the conciliation board will be to lay the axe at the root of the present-day civilised system of disputes being decided in a court of justice that has been functioning ever since the advent of British Government into this country, and to introduce a new revolutionary method of deciding disputes. This method is proposed to be tried by those people who dominate this Council because they are face to face with a problem which really affects a small class of people and not a very large class. This method is proposed to be tried by people who are regarded as very big landowners who have large amount of money to pay and in the garb of giving protection or relief to small debtors they want to protect themselves. They do not want to go to courts.

Mr. President : Will the honourable member please say which sub-clause he is now discussing?

Mr. Nanak Chand Pandit : I am submitting that the amendment of Nawab Muhammad Hayat Qureshi raising the amount to Rs. 25,000 or above really means that it is desired to nullify the effect of the whole Bill, that it is desired to make the Bill as absurd as possible. It is evidently desired to bring within the purview of this Bill people that really should be honest and pay their debts honestly. This Bill is really meant to afford relief for those people who have nothing in their pockets to pay. Just consider how the constitution of these boards is likely to affect their judgment or their desire to help these big landlords. The constitution will be really in the hands of the local Government.

Mr. President : But constitution of the board is not under consideration at present.

Mr. Nanak Chand Pandit : Quite so. But I am referring to that to show that the board would be incompetent to deal with cases amounting to Rs. 25,000 or even Rs. 10,000. Once the board is constituted on class, caste or religious basis—and they will be appointed by Ministers who in their turn will be dependent for their stay in the Government on the votes of the majority class in the Council—the result will be naturally that there will not be fair and impartial decision. The consequence of this will be ruinous to the country at large. There would be no justice at all. Therefore it is high time that honourable members who are very anxious to see the ordinary small peasant proprietor or small debtor relieved from his heavy burden of indebtedness that they do not seek to relieve the indebtedness of big landowners who can afford to repay the loan. Otherwise the whole thing will look ridiculous and the courts will be brought into contempt and people will suffer greatly. It is the duty of the Government to see that the Bill gives fair treatment to the needy only. It should, therefore, make up its mind absolutely clear that it is going to cut down even this amount of Rs. 10,000 to a much smaller figure. It is only in the fitness of things that the amendment moved by my honourable friend on my right should be accepted and relief given only to small peasant proprietors.

Rao Bahadur Chaudhri Chhotu Ram (South-East, Rohtak, non-Muhammadan, Rural) : Sir, I will try to confine my remarks to the amounts mentioned in the various amendments, but I shall also answer certain criticisms which have been made, in my view, unjustly. The first point which I wish to make is that members seem to have misunderstood the exact meaning of this clause. This clause does not say anywhere that Government will not be in a position to fix a lower limit than Rs. 10,000. The clause as it stands does not prevent the Government from fixing a lower limit, say, of Rs. 5,000 in any local area that it likes. It can even lay down a limit of Rs. 100. The figure Rs. 10,000 seems to have been adopted as a sort of an index and it is in that light alone that this figure should be viewed. If my friends had cared to go through the wording of this clause they would have come to the conclusion to which I have come. The sub-clause runs as follows :—

The local Government shall determine the pecuniary limits of the jurisdiction of the board, provided that no board shall have jurisdiction to make a settlement between a debtor and his creditors if the total debts of the debtor exceed Rs. 10,000 or such larger amount as the local Government may prescribe for any area.

✓[R. B. Ch. Chhotu Ram.]

It is as plain as anything possibly can be. (*An honourable member* : Does the local Government consist of zamindars and debtors ?) That is an entirely different point which I am not at present discussing. If my friend cares to wait I shall come to that point also. This figure of Rs. 10,000 has been suggested as the outside limit except in very exceptional circumstances. Therefore the fear of my friends that in every district the limit will be fixed at Rs. 10,000 is entirely groundless. That will really depend upon the peculiar conditions prevailing in any particular area.

Then again, there was a good deal of misapprehension as to the effect of this clause. The last speaker seemed to argue that by passing this legislation we shall be replacing the present civilised system of judicial administration by another system which is uncivilised, uncouth and something worse. My answer to that criticism is that this legislation does not purport to be one for permanent use. This law is being enacted in order to tide over a particularly difficult time. When the particularly difficult situation has been negotiated this law will not remain in force at all. Again, Government is not going to appoint conciliation boards for all districts at the same time. As an experimental measure Government will set up a certain number of conciliation boards in selected areas and if those conciliation boards prove successful in those areas, then they may be appointed in other areas. The impression that Government will appoint these conciliation boards simultaneously in all the districts and that all the courts which are at present functioning will become *functus officio* is entirely erroneous and could not have been formed by anybody who had cared to read this clause carefully.

Reference was made to the limit fixed in the Central Provinces. There the outside limit adopted is Rs. 25,000. It cannot be said that the Punjab is less prosperous and, therefore, the amount of debts which may have to be dealt with by the conciliation boards should be lower than that fixed in the Central Provinces. I think everybody here will admit that the level of prosperity in the Punjab is decidedly and distinctly higher than in the Central Provinces. (*Hear, hear*). Therefore it is not unreasonable to expect that the outside limit adopted in the Central Provinces should also be adopted here.

The previous speakers have also made reference to zamindars and agriculturists. I had hoped that they would not repeat this argument now because we have already decided by passing yesterday's amendment that the law will be one of general application. This Bill is no longer one which will be applied only to agriculturists or petty peasants or any other smaller section of the population. Therefore any reference to agriculturists or to the desire of agriculturists to be unjust to creditors is really irrelevant and unjust.

Mr. President : What about the jurisdiction of the conciliation boards ? Has not the Government power under this sub-clause to determine the pecuniary limits of every conciliation board ?

✓**Rao Bahadur Chaudhri Chhotu Ram :** Yes.

Mr. President : What these limits are to be is entirely left to the Government to fix, is that not so ?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Exactly.

Mr. President : Then, what does the latter part of the sub-clause mean? When it is left to the Government to determine the pecuniary limits of a board, what does the proviso mean, "provided that no board shall have jurisdiction to make a settlement between a debtor and his creditors if the total debts of the debtor exceed Rs. 10,000 or such larger amount as the local Government may prescribe"? It is entirely left to the local Government to fix the limit whether it is Rs. 10,000 or less. Does the sub-clause express that meaning clearly?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** So far as I have been able to judge the meaning of this clause, it is clear. The meaning of the clause minus the proviso is, that the Government will be in a position to fix any pecuniary limit it chooses. It may be one lakh, it may be one rupee. This proviso was added in order to set at rest the apprehensions which were felt both by the representatives of creditors and the representatives of debtors while this clause was being considered in the select committee. It is, as I submitted before, a sort of an index figure, a sort of guidance to the local Government as to the limit to be fixed.

Mr. President : Is any maximum limit fixed in this case?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** No.

Mr. President : That is to say, neither the maximum nor the minimum limit is fixed and it is left to the Government to fix the limit in each case. Is not that the case?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Exactly. Logically the proviso is not at all necessary. But as I submitted, this proviso was added in order to allay the apprehensions felt by the representatives of both creditors and debtors and though it may not be logically necessary, the insertion of a sort of a guiding figure is certainly not undesirable. If the Government goes too far in cases of this kind, people naturally can say, there was a guiding figure inserted in the Bill itself and the Government seems to have gone too far ahead.

Mr. President : Then the best course would be to say, "The local Government shall determine the pecuniary limits of the jurisdiction of each Board, provided that they shall in no case exceed Rs. 20,000, Rs. 50,000 or one lakh."

✓ **Rao Bahadur Chaudhri Chhotu Ram :** So far as logic is concerned, as I have already stated, the words of sub-clause (c) up to "provided" are quite sufficient to give the Government the power required for the purpose.

One of the previous speakers made a reference to the Government being surrounded on all sides by debtor influences.

Mr. President : I think Government can defend itself on this point. It is true that Government has been attacked in season and out of season. But it can defend itself.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** If the implication or the attack had not affected the agricultural classes, I would not have uttered a word.

Mr. President : I do not say that the honourable member is irrelevant. If he wishes to answer he may do so. But he need not take the trouble, unless he feels advised to do so.

Rao Bahadur Chaudhri Chhotu Ram : I will say just one word. Both on the floor of this House and during the select committee stage the zamindar members showed a greater deference to the wishes of official members as well as to the wishes of members representing creditor classes than the members of creditor classes will care to admit. Therefore any criticism on the part of the members of creditor classes to the effect that Government has in any way been influenced by the members of agricultural classes or debtor classes is entirely wrong and unjust. On the contrary our complaint has always been, that Government is more *bania*-fearing than zamindar-fearing.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) : With respect to the remarks just made by you, Sir, I submit that it may not be very logical to add these words in the clause. But the mention of Rs. 10,000 is not without its meaning or significance. For instance, if the local Government after full consideration of the relevant facts were to issue a gazette notification that such and such areas would have conciliation boards without defining the pecuniary limits, then it would be understood that the limit will be Rs. 10,000 neither more nor less. In that way it would be a very useful figure. So, if the House ultimately agrees to substitute Rs. 25,000 or a lower amount in place of Rs. 10,000, it would be a sort of guidance to the local Government when appointing the conciliation boards. In that way it will serve, as my leader has remarked, as a sort of index figure and unless there are very special circumstances to reduce or limit the jurisdiction of the conciliation boards and unless there are grounds calling for the conferment of a higher jurisdiction on the boards, that index figure would be a sufficient and sure guide.

Mr. President : Then the honourable member agrees that the second part of the sub-clause beginning with " provided " serves only as an index ?

Shaikh Abdul Ghani : Yes, and in a way this interprets the meaning or the sense of the House.

Mr. President : The honourable member is aware that we are legislating. What about the first part, " The local Government shall " ? Is it not imperative and mandatory ? Shall not Government fix some limit under this part ?

Shaikh Abdul Ghani : If it does not, it will be taken to be this Rs. 10,000. Our only security if it is retained is this, that Government will take into account the fact that we persisted at the time when the Bill was on the anvil of legislation that Rs. 10,000 or Rs. 25,000 or whatever it is, should be fixed as the standard amount so that it may guide the future administrators and governments while appointing the conciliation boards in any local area.

Mr. Mukand Lal Puri (Punjab Industries) : Sir, you have been pleased to observe that under the proposal of the Government it is permissible to the Government to fix any limit, may be Rs. 25,000 or Rs. 30,000 or even ten lakhs, as a limit in certain specified areas. Our object in asking

the legislature to fix a definite limit which the Government cannot exceed, is to prevent the Government from being compelled to fix higher limits under the influence of persons whom it may find it impossible to resist.

Mr. President : This question can arise only when pecuniary limits are proposed to be fixed.

Mr. Mukand Lal Puri : I am asking the House to fix a limit of Rs. 5,000 or less. It should not be possible to the local Government to appoint a conciliation board for settlement of debts of persons whose debt exceeds Rs. 5,000. My object is really not to limit the pecuniary jurisdiction of these boards. My object is to save the Government from extending the Act to areas under the influence of powerful debtors whom the Government might find it impossible to displease. Take the proposal of the Government which is that the conciliation board can conciliate debts incurred up to the extent of Rs. 10,000. The proposal of the Government is, that they can confer an unlimited jurisdiction on any board. We may, however, take it as Chaudhri Chhotu Ram has said that normally the Government would not go beyond Rs. 10,000 and in most cases it would fix lower limits. I wish to remind you that you are practically bringing in the entire debt of the province both agricultural and urban within the limits of the conciliation board. This is certainly a matter for statistical enquiry. But speaking broadly one may say that if you take a census of debtors of this province, small and large, out of 10,000 debtors you will find only 4 or 5 whose total debts exceed Rs. 10,000. We have no statistics on this subject but work before our courts is a fair indication of the nature of indebtedness prevailing in the province.

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

If you take the number of cases disposed of by small cause court judges or by judges invested with small cause court powers and by judges whose jurisdiction does not exceed 5,000, you will find that these cases exceed two hundred or three hundred times, the cases which exceed Rs. 5,000. Therefore, Sir, it may be taken as true that debtors in this province whose debts will exceed ten thousands will be very few indeed compared to the total number of debtors. Therefore, Sir, I have no apprehension that the conciliation boards will be doing something extraordinary, if they were given jurisdiction to deal with debts beyond ten thousand rupees, but what I am afraid of is, that persons whose debts amount to ten thousand rupees or whose debts exceed ten thousand rupees are persons who are influential in district boards and who are influential in this Council and who can bring to bear upon the Government influence legitimate or illegitimate to extend the operation of the Act to districts which the economic circumstances of those areas may not at all justify. As has been pointed out by Mr. Labh Singh, the present Government even is not at all immune, as at present constituted, from debtor influences of these higher limits and when the time for the constitution of these conciliation boards would arrive the Government, minus the official element, would consist entirely of persons some of whom may be debtors and, therefore, I say, the legislature should prevent the Government—it is our duty to prevent it—from being influenced consciously or unconsciously by influences which may not relate to the merits of the question, but which

[Mr. Mukand Lal Puri.]

may have personal factors in them. Now supposing the Act is extended to the Muzaffargarh district, the Government may have some special reason due to economic circumstances to extend it to that district. Merely because it has been extended to Muzaffargarh, a claim may be advanced to extend it also to say Rohtak and it may be that the person who is interested in this matter, may be a Minister, or a member of the Legislative Council or more likely a person who is the principal supporter in the district of the minister without whose influence the member may not have been elected at all.

Shaikh Abdul Ghani : Why particularly to Rohtak ? Why do you not mention Ambala or Sargodha ?

Mr. Mukand Lal Puri : Certainly, say Ambala or Sargodha. As a matter of fact in Rohtak debts are not of any high limits at all. It may be necessary in the interests of future members to extend it to Sargodha. The object in fixing the lower limit is apparent. One cannot shut one's eyes to existing facts, which are patent and blatant. We know that members of this Council, and Government are indebted. We know that some of their biggest supporters who make it possible for them to come to the Council are indebted and generally we know that it is not possible for us members to resist their influence. Can the Government say that they can always discard this influence ? Is it not, therefore, necessary that the judgment of the Government should be prevented from being influenced by these sinister influences ? If you accept the proposal of Mr. Chetan Anand of which I had also given notice, I submit you will not exclude from the operation of this Act and from the advantages of the conciliation boards any classes which deserve this consideration and whose misery should excite your sympathy or any large class of person who if left unrelieved would matter at all. As I have said, you will, perhaps, be leaving out of consideration 1 or 2 or 5 out of ten thousand debtors. Should not Government, therefore, be saved from the possibility of being influenced by a sinister influence ? And should not the honourable members led by Rao Bahadur Chaudhri Chhotu Ram remove the possibility of misapprehension on this point ? Should they not offer the best defence they can to this by accepting this amendment and saying, look here we are not asking for ourselves, we are asking for the poor ? It has been stated on the floor of this House that every effort to increase the limit of the jurisdiction of these conciliation boards is an attempt on the part of the richer classes of zamindars to bring their own personal debts within the purview of the conciliation boards where they hope to be represented by their own representatives and by means of which they hope to get their debts wiped out. Is it not, therefore, fair, if they are honest, that they should free themselves from this reproach and say, "no, we the members of this House and richer classes do not wish to take advantage of these provisions ? It is meant for poorer people." Why do they insist on raising it from Rs. 5,000 to Rs. 25,000 ? One reason that I can find is this. You were pleased to point out that that proposal is absolutely unnecessary because in the proposal of the Government itself, it is open to the Government to fix a limit of Rs. 25,000 for any area. That question was pointedly put to Chaudhri Chhotu Ram from the Chair to find an answer and no answer was given. The answer is obvious and the answer illustrates the whole course of the debate with respect to this unfortunate legislation

and that is this. The Government are responsible for the legislation. They come forward so far as they themselves think, with honest proposals. They fix the limit of Rs. 5,000 or even less to start with in the Bill but in the select committee the proposal of ten thousand or a larger amount was fixed. Now these gentlemen, the gentlemen of the zamindar party are naturally apprehensive that the Government might insist upon their proposals in the original Bill and might reduce that limit. Therefore this proposal of Rs. 25,000 has been put forward so that the Government might stick to the position taken in the select committee which was an unreasonable position. That is the real answer. That is what has happened with respect to every proposal. That is what has happened with respect to rates of interest, the rates of interest which were proposed by Government in this House. The Government amendment was identical with the rate of interest put forward by Rao Bahadur Chaudhri Chhotu Ram in the select committee and which the Government strenuously opposed there. The Government for some reason, which I do not know gave up their position of the original Bill, gave up their position of the select committee and without any reason accepted the proposal of Chaudhri Chhotu Ram which it had opposed strenuously in the select committee. Take any clause. It has been modified from stage to stage and it has been modified at the point of the bayonet, because the Unionist Party suggested unreasonable amendments under the influence of Rao Bahadur Chaudhri Chhotu Ram, and the Government in its desire to placate these members accepted even the foolish proposals emanating from that quarter. They have been making half a dozen unreasonable proposals and the Government has been compromising by accepting some of them, if the others were dropped. What would you think of a proposal emanating from a gentleman like Chaudhri Chhotu Ram and which was printed and circulated among us but which quietly disappeared? The proposal was this. That no courts shall decree a debt exceeding hundred rupees unless it is evidenced by a registered deed. That was the proposal which was sent in by Chaudhri Chhotu Ram and nobody in his senses, would consider that proposal practicable. But it was sufficient to alarm the Government. The Government has been coerced by these extraordinary proposals. The zamindar members of the Government tell the member in charge that they have persuaded the zamindar members to drop some of the new unreasonable proposals and, therefore, Government should stick to the unreasonable proposals already adopted by the select committee. The unfortunate position is this, that Government is doing things at the dictation of Chaudhri Chhotu Ram, but responsibility is not of Chaudhri Chhotu Ram but that of the Honourable Finance Member and I respectfully submit that if Chaudhri Chhotu Ram were himself in the position of the Honourable Finance Member, I have sufficient faith even in him to say that he would not maintain the proposal which he as leader of the opposition proposes and to which the Government succumbs. I respectfully submit that these conciliation boards having been extended not only to agricultural debts but to all debts.

Shaikh Muhammad Sadiq : You wanted it.

Mr. Mukand Lal Puri: No, no. The provision of conciliation boards have now been extended to all debts and a great deal of apprehension has been expressed about their work. The boards have been subjected to a great

[Mr. Mukand Lal Puri.]

deal of legitimate criticism from all quarters and the policy of the Government itself is merely to try them as an experiment in some selected areas, when that is the case is it not desirable that the limit of their jurisdiction should be so laid down as to extend their operation to really poor districts and classes and not to complicate the economic issue of relieving poverty by political influences of debtors owing larger amounts and whose influence would not be wholesome? (*Hear, hear*).

Khan Bahadur Nawab Mian Muhammad Hayat Qureshi (Urdu): Sir, my motion has been opposed on two or three grounds. The first ground that has been stated is that if the pecuniary limits of jurisdiction of the conciliation boards is raised from Rs. 10,000 to Rs. 25,000 the work of these boards will increase. This fear has been shown to be quite baseless. Mr. Mukand Lal Puri and Mr. Labh Singh have shown it during the course of their speeches that in a majority civil cases the amount of debt has not exceeded in each case Rs. 500 or so.

The second argument that has been advanced against this motion is that in these cases the parties will not have right of appeal. Only those cases will be taken to these conciliation boards in which the parties will be willing to effect a compromise and seek the help of the boards. Hence the question of appeal does not arise. When the parties have sought the help of the conciliation boards with each other's consent the question of appeal does not arise.

The next argument that has been advanced is that if my amendment is adopted the proposal of Mr. Puri will fall through. In the select committee I wanted to move this amendment but since I was in a minority my amendment was not accepted, so I had to move it here in the House to-day. The Government will have power to fix the limit of the pecuniary jurisdiction of the boards at any sum. There is not much difference between Rs. 10,000 and Rs. 25,000. It is known to all that even those agriculturists who own one square or two squares of land are indebted to the extent of Rs. 15,000 or Rs. 20,000. I can give definite instances to illustrate my point if the Government or the House wishes that I should do so. I would submit, therefore, that I have made a genuine suggestion and I should like to press it. I hope the House will readily accept my proposal.

5 P. M.

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

Mr. President: The question is—

That in the proposed clause 8, sub-clause (1) (c), for the words "Rs. 10,000" the words "Rs. 25,000" be substituted.

The Council divided: Ayes 23: Noes 42.

AYES.

Abdul Ghani, Shaikh.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Akbar Ali, Pir.
Bahadur Khan, Sardar.
Chhotu Ram, Rao Bahadur Chaudhri.
Faqir Husain Khan, Chaudhri.

Fazl Ali, Khan Bahadur Nawab Chaudhri.
Habib Ullah, Khan Bahadur Sardar.
Mubarak Ali Shah, Sayad.
Muhammad Amin Khan, Khan Bahadur Malik.
Muhammad Eusoof, Khwaja.

Muhammad Hayat Qureshi, Khan Bahadur Nawab.	Muzaffar Khan, Khan Bahadur Captain Malik.
Muhammad Raza Shah Gilani, Makhdumzada Sayad.	Noor Ahmad Khan, Khan Sahib Mian.
Muhammad Sadiq, Shaikh.	Pancham Chand, Thakur.
Muhammad Sarfaraz Ali Khan, Raja.	Ram Sarup, Chaudhri.
Muhammad Yasin Khan, Chaudhri.	Riasat Ali, Chaudhri.
Zaman Medhi Khan, Khan Bahadur Malik.	Umar Hayat, Chaudhri.

NOES.

Anderson, Mr. J. D.	Lekhwati Jain, Shrimati.
Beant Singh, Sardar Sahib Sardar.	Macfarlane, Mr. D.
Bhagat Ram, Lala.	Mamraj Singh Chohan, Kanwar.
Bishan Singh, Sardar.	Marsden, Mr. P.
Bourne, Mr. F. C.	Mayadas, Mr. Ernest.
Boyd, The Honourable Mr. D. J.	Muhammad Husain, Chaudhri.
Buta Singh, Sardar Bahadur Sardar.	Mukand Lal Puri, Mr.
Chetan Anand, Lala.	Murphy, Mr. A.
Fazl Hahi, Khan Sahib Shaikh.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Ferguson, Mr. J. A.	Narendra Nath, Diwan Bahadur Raja.
Firoz Khan Noon, The Honourable Malik Sir.	Nihal Chand Aggarwal, Lala.
Garbett, Mr. C. C.	Nurullah, Mian.
Gokul Chand Narang, The Honourable Dr.	Pandit, Mr. Nanak Chand.
Grindle, Mr. A. D.	Ramji Das, Lala.
Hearn, Mr. J. W.	Roberts, Mr. W.
Jaswant Singh, Guru.	Sampuran Singh, Sardar.
Jawahar Singh Dhillon, Sardar.	Sewak Ram, Rai Bahadur Lala.
Jogendra Singh, The Honourable Sardar Sir.	Shave, Dr. (Mrs.) M. C.
Labh Chand, Mehra, Rai Sahib Lala.	Sheo Narain Singh, Sardar Bahadur Sardar.
Labh Singh, Mr.	Sikander Hyat-Khan, The Honourable Captain Sirdar Sir.
Latifi, Mr. A.	Ujjal Singh, Sardar Sahib Sardar.

Mr. President : The question is—

That in the proposed clause 8, sub-clause (1) (c), for the words "Rs. 10,000" or such larger amount", the words "Rs. 5,000 or such smaller amount" be substituted.

The motion was lost.

Mr. President : The question is—

That in the proposed clause 8, sub-clause (1) (c), for the figure Rs. "10,000", the figure Rs. "1,000" be substituted, and for the words "larger," the word "smaller" be substituted.

The motion was lost.

Mr. President : The question is—

That sub-clause (1) (c) of the proposed clause 8 stand part of the clause.

The motion was carried.

Mr. President : The question is—

That sub-clauses (1) (d) to (3) of the proposed clause 8 stand part of the clause.

The motion was carried.

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan, Rural) : I beg to move :—

That in clause 8, after sub-clause (4), the following sub-clause be added—

“ The Chairman and at least one-half of the members shall be persons having at least five years’ experience in the administration of civil justice.”

When a threat of some sort of a guillotine is being held out I shall be extremely brief in commending this amendment to the acceptance of the House. The proposition is almost self-obvious. We are going to invest these boards with jurisdiction extending up to Rs. 10,000 to begin with and later on up to any limit. It is but proper that the personnel of these boards should be such as would inspire confidence. Courts whose pecuniary jurisdiction does not extend beyond Rs. 1,000 have certain qualifications and the senior sub-judges who deal with cases of Rs. 10,000 and upwards are gentlemen of special judicial experience and their decisions are subject to an appeal and subject also to many other safeguards. It is but just and proper that people who are appointed to these boards should be such as would have some sort of a minimum qualification and the qualification which I have proposed in this amendment is extremely low, that these gentlemen should have at least five years’ experience in the administration of civil justice, and must have some sort of minimum education and training. I think this provision is most salutary and wholesome and hope there will be no objection to this motion being adopted.

Mr. President : The question is—

That in clause 8 after sub-clause (4), the following sub-clause be added :—

“ That the Chairman and at least one-half of the members shall be persons having at least five years’ experience in the administration of civil justice.”

The Council divided : Ayes : 12. Noes : 52.

AYES.

Bhagat Ram, Lala.
Chetan Anand, Lala.
Labh Chand Mehra, Rai Sahib Lala.
Labh Singh, Mr.
Lekhwati Jain, Shrimati.
Mayadas, Mr. Ernest.

Mukand Lal Puri, Mr.
Narendra Nath, Diwan Bahadur
Raja.
Nihal Chand Aggarwal, Lala.
Pandit, Mr. Nanak Chand.
Ramji Das, Lala.
Sewak Ram, Rai Bahadur Lala.

NOES.

Abdul Ghani, Shaikh.
Ahmad Yar Khan Daulatana, Khan
Bahadur Mian.
Akbar Ali, Pir.
Allah Dad Khan, Chaudhri.
Anderson, Mr. J. D.
Bahadur Khan, Sardar.
Beant Singh, Sardar Sahib Sardar.

Bourne, Mr. F. C.
Boyd, The Honourable Mr. D. J.
Chhotu Ram, Rao Bahadur
Chaudhri.
Faqr Husain Khan, Chaudhri.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazl Ilahi, Khan Sahib Shaikh.

Ferguson, Mr. J. A.	Muhammad Husain, Chaudhri.
Firoz Khan Noon, The Honourable Malik Sir.	Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
Garbett, Mr. C. C.	Muhammad Sadiq, Shaikh.
Gokul Chand Narang, The Honourable Dr.	Muhammad Sarfraz Ali Khan, Raja.
Grindal, Mr. A. D.	Muhammad Yasin Khan, Chaudhri.
Habib Ullah, Khan Bahadur Sardar.	Murphy, Mr. A.
Hearn, Mr. J. W.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Jaswant Singh, Guru.	Muzaffar Khan, Khan Bahadur Captain Malik.
Jogendra Singh, The Honourable Sardar Sir.	Noor Ahmad Khan, Khan Sahib Mian.
Kesar Singh, Rai Sahib Chaudhri.	Nurullah, Mian.
Latifi, Mr. A.	Rahim Bakhsh, Maulvi Sir.
Macfarlane, Mr. D.	Ram Sarup, Chaudhri.
Marsden, Mr. P.	Riasat Ali, Chaudhri.
Mohindar Singh, Sardar	Roberts, Mr. W.
Mubarak Ali Shah, Sayad.	Shave, Dr. (Mrs.) M. C.
Muhammad Abdul Rahman Khan, Chaudhri.	Sheo Narain Singh, Sardar Bahadur Sardar.
Muhammad Amin Khan, Khan Bahadur Malik.	Sikander-Hyat Khan, The Honourable Captain Sirdar Sir.
Muhammad Eusoof, Khwaja	Umar Hayat, Chaudhri.
Muhammad Hassan, Khan Sahib Makhdum Shaikh.	Zaman Mehdi Khan, Khan Bahadur Malik.
Muhammad Hayat Qureshi, Khan Bahadur Nawab.	

Mr. President : The question is—

That sub-clause (4) of the proposed clause 8 stand part of the clause.

The motion was carried.

Mr. President : The question is—

That the proposed clause 8 stand part of the Bill.

The motion was carried.

Clause 9.

Mr. President : The question is—

That clause 9 stand part of the Bill.

The motion was carried.

Clause 10.

Mr. President : The question is—

That clause 10 stand part of the Bill.

The motion was carried.

Clause 11.

Mr. Mukand Lal Puri : I want to draw your attention, Sir, to sub-clause (1) (d) of clause 11 which reads—

“ A statement that he is unable to pay his debts, and that they do not exceed ten thousand rupees or the prescribed amount.”

[Mr. Mukand Lal Puri.]

I submit that the words "ten thousand rupees or" should be omitted in view of the fact that Government can prescribe any limit.

Mr. President : I have received no notice of that amendment.

Mr. Mukand Lal Puri : In view of the fact that we have given power to fix the limit in regard to any conciliation board, I move the following amendment—

That in clause 11, sub-clause (1) (d), the words 'ten thousand rupees or' be omitted.

The motion was carried.

Mr. President : The question is—

That sub-clause (1) as amended stand part of clause 11.

The motion was carried.

Rai Sahib Lala Labh Chand Mehra (Nominated non-official) (*Urdu*) :
Sir, I beg to move—

That in clause 11, sub-clause 2 (c) be deleted.

In sub-clause 2, clause 11 it is provided that every application presented by a creditor shall, besides other particulars, contain a statement that his debtor owes not more than ten thousand rupees. I ask, how is the creditor to know that his debtor owes not more than ten thousand rupees? He may owe one thousand or thirty thousand rupees and the creditor may not be aware of it. The creditor cannot submit a wrong statement for fear of his application being rejected. I would therefore submit that the provision being absolutely useless should be deleted.

Mr. President : The question is—

That in clause 11, sub-clause (2) (c) be deleted.

The motion was carried.

Rai Sahib Lala Labh Chand Mehra (Nominated non-official) (*Urdu*) :
Sir, I beg to move—

That in clause 11, sub-clause 2 (d) for the words "is unable to pay" the words "does not pay" be substituted.

My object in moving this amendment is to show that it is very difficult for a creditor to know that his debtor is really unable to pay his debt. The words "is unable to pay" are meaningless. If the creditor admits in his application that his debtor is unable to pay his debt, it would probably adversely affect his interests afterwards. I would therefore submit that a creditor instead of stating in his application the inability of his debtor to pay his debt should state that his debtor does not pay his debt.

Mr. President : Clause under consideration, amendment moved—

That in clause 11, sub-clause 2 (d), for the words "is unable to pay" the words "does not pay" be substituted.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) (*Urdu*) : Sir, in connection with the amendment now before the House there is one point which deserves consideration of the House. If the creditor states in his application that his debtor is unable to pay his debt that would adversely affect his interests at a later stage when execution proceedings are taken. Probably that statement being in an affidavit will be binding on

him. (*Continued in English*). Because the honourable member had not this in his mind, I wanted to make it clear so that everybody might grasp it if they want to fix this liability upon the creditor. Speaking broadly it is not fair to him. As we are legislating and this is a clear mistake I wholeheartedly support the amendment.

Mr. Mukand Lal Puri (Punjab Industries): I oppose this amendment. I think it was a mistake to have passed the previous amendment. I did not realise its full effect at that time. In so readily accepting the proposal made by the honourable member from Amritsar I think, the House has made a mistake because the effect of putting in an application has not been realised. As soon as an application is put in the effect is that all civil process against that debtor is stopped. If it is an execution proceeding pending against him it is stopped; if it is a civil suit, it is stopped, an insolvency petition, it is stopped. And it may happen that debtor is able to pay his debts. It may happen that the debtors do not fall within the prescribed limit and he cannot with any conscience put in an application before a conciliation board. He has only to get hold of a creditor who can put in an application and thus put an end to all civil process against him. After all when petitions are verified, they are verified to the best of belief of a person. No creditor should put in a petition unless he is able to say that it is to the best of his belief. Suppose you have fixed a limit of Rs. 1,000 for the conciliation board in Muzaffargarh and a debtor is fully aware that he has a decree of Rs. 8,000 outstanding against him. He cannot very well go and put an application before the conciliation board and stop the execution against him. But he has only to get hold of a creditor and on his statement the whole civil process will be suspended. Ordinarily a creditor is fairly conversant with the state of indebtedness of his debtor and to the best of his belief he makes his statement. The apprehension which exists in the mind of Mr. Labh Chand Mehra is entirely far-fetched and I ask him to withdraw his amendment. In the first place no creditor is likely to go to the conciliation board, that is my conviction, unless he puts that petition at the instance of a debtor. Even supposing it is a genuine petition, he is not likely to get into any trouble. After all he is making a serious allegation against another citizen and he should not make that allegation without enquiry. He should make an enquiry with reference to the circumstances of the debtor in putting an insolvency petition for instance. Do not creditors make such allegations in insolvency petitions and do they not suffer by having to verify? I therefore oppose this amendment.

Mr. President: The question is—

That in clause 11, sub-clause 2 (d), for the words "is unable to pay" the words "does not pay" be substituted.

The motion was lost.

Mr. President: The question is—

That sub-clause (2) as amended stand part of clause 11.

The motion was carried.

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan, Rural): I move—

That in clause 11, the following be added as a new sub-clause:—

"A debtor making an application under section 10 shall deposit with his application a sum equivalent to 25 per cent. of the amount due from him. Such amount shall be rateably distributed among such of the creditors as are parties to an amicable settlement."

[Mr. Labh Singh.]

The grounds on which this amendment is founded are two. Firstly, it will be a test of the good faith of the debtor. A person who is prepared to pay as much as he can may be given relief. Even if the remaining 75 per cent. of the debts due from him are to be wiped off he will get a very substantial relief and the creditors will not mind it. The second ground is that it will be an incentive to all the creditors to join in the compromise. From these two points of view I press this amendment for the acceptance of the House.

Mr. President : New clause proposed—

That in clause 11, the following be added as a new sub-clause :—

“ A debtor making an application under section 10 shall deposit with his application a sum equivalent to 25 per cent. of the amount due from him. Such amount shall be rateably distributed among such of the creditors as are parties to an amicable settlement.”

Mr. Mukand Lal Puri (Punjab Industries) : After all, these conciliation boards are being constituted to effect a conciliation between the creditors and the debtors. It is only desirable to effect that conciliation if the debtor wishes to pay at least a reduced amount and an amount which he can conveniently afford to pay. If it is the intention of the debtor not to pay, then it is not a case of conciliation at all ; it is a case which should proceed according to the law of the land. If a person has assets, movable assets, which can be easily concealed and which are concealed, he is in a position to pay but he does not want to pay; then it is not a case of conciliation. There may again be a case in which a person is really unable to pay, has absolutely got no assets, even then it is not a question of conciliation because a debtor cannot place at the disposal of the board anything which would conciliate any creditor even though he may be willing to come to terms. Therefore if there is no chance of recovery the conciliation boards need not function at all. Again it is necessary that before the special machinery appointed by the Government functions in favour of a debtor, that debtor should give some proof of his *bona fides*, that he is coming to them with a desire to liquidate according to the best of his ability and according to the best of his resources the whole debt or a portion of the debt and the best proof is that he should place at the disposal of the conciliation board a certain portion of the amount due from him. It is not necessary to insist upon a very large amount. The proposal of my friend on my right insists upon his depositing a sum equal to one-fourth of the debts due from him. If that is thought to be too high, a smaller deposit should be insisted upon and that is a matter which the Council can decide. Again this is not a proposal without precedent. In the United Provinces where a similar legislation was being considered with respect to temporary stay of execution of decrees, a similar clause existed in the Bill introduced by the United Provinces Government and I wish to place the provisions of that clause before you for the consideration of the House.

At this stage the Council adjourned till 2 P. M. on Monday, 19th November 1984.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Monday, 19th November, 1934.

The Council met at the Council Chamber at 2 P.M. of the clock. Mr. President in the chair.

OATH OF OFFICE.

The following members were sworn in :—

Mr. A. V. Askwith (Officer on special duty).

Khan Bahadur Shaikh Nur Elahi (Assistant Director of Public Instruction).

STARRED QUESTIONS AND ANSWERS.

GONDAL TRIBE.

***3934. Khan Bahadur Nawab Muhammad Hayat Qureshi :** Will the Honourable Revenue Member please state—

- (a) the population of the Gondal tribe of the Bhalwal tahsil of the Shahpur district and of Phalia tahsil of the Gujrat district, the amount of land owned by them and the land revenue paid by that community ;
- (b) the number of men of the tribe of Gondal in the service of the Government ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It is regretted the information is not available. Seeing that appointments are not made on a tribal, much less a sub-tribal basis it is considered that the collection of the information would not serve any useful purpose.

PANDIT GIAN CHAND, INSPECTOR, INDUSTRIAL CO-OPERATIVE SOCIETIES, AMBALA.

***3935. Thakur Pancham Chand :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that Pandit Gian Chand, Inspector, Industrial Co-operative Societies, Ambala, was put under suspension on 20th January 1933 ;
- (b) whether he was on the permanent cadre of the Department or on probation ;
- (c) whether it is a fact that he was discharged from service on the 12th December, 1933, by the Registrar of Co-operative Societies who treated his case as that of a probationer ;

[Thakur Pancham Chand.]

- (d) if the reply to (c) be in the affirmative, when was he appointed on probation and what were the conditions of probation laid upon and communicated to him as required by Rule 6-A, clause (b), in Chapter II, section 1 of the Manual of Audit Instructions (1926) ;
- (e) whether it is a fact that he was shown on the permanent cadre in the Annual Detailed Statement of the Permanent Establishment (*vide* Article 62 of the Civil Account Code) sent by the Registrar to the Accountant-General, Punjab, in the years 1930, 1931 and 1932 ;
- (f) whether it is a fact that during the tenure of his office the Registrar granted him some privilege leave under Fundamental Rule 81 ;
- (g) whether it is a fact that the Registrar refused him, on the return of his Service Book, the supply of copies of the entries therein even on payment, and also disallowed him to see his service book—the sole property of an employee—when requested by him ;
- (h) whether it is a fact that he applied to the Financial Commissioner, Development, seeking permission either for an interview, or, failing this permission, to submit an appeal in writing on 3rd April 1934 ;
- (i) whether it is a fact that the Financial Commissioner, Development, permitted him to file an appeal in writing on 20th April 1934 ;
- (j) whether it is a fact that the appeal was filed on 3rd May 1934, but was withheld by the Registrar on 10th May 1934 in contravention of the aforesaid permission of the appellate authority ;
- (k) whether it is a fact that he represented against this order of the Registrar on the basis of certain rules overlooked in this case ;
- (l) whether it is a fact that the Financial Commissioner, Development, declined to entertain the same unless received through the Registrar who withheld it when resubmitted ;
- (m) whether it is a fact that he represented to the Financial Commissioner, Development, to interfere and call for the relevant records in the interest of justice, but this request was also whittled down ;
- (n) whether it is a fact that he has submitted a petition to the Honourable Minister for Agriculture himself, stating *inter alia* the bare facts and the various legal flaws committed, to the detriment of his interests, by the inquiring officer during the progress of his inquiry having acted with a biased mind ;
- (o) if so, what action Government intends to take ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) On probation.

(c) Yes.

(d) He was appointed on probation on 4th March 1929. The conditions of probation are that, after passing the examination and completing the required training, a candidate is eligible for appointment on probation as an inspector and he remains on probation until he is confirmed. These conditions were known to Pandit Gian Chand.

(e) Yes, due to a mistake.

(f) Yes.

(g) Yes. He was not in service when he applied for the copies and documents mentioned.

(h) Yes.

(i) On receiving a petition from Pandit Gian Chand, the Financial Commissioner ordered that, if he desired to file an appeal, he must do so in a regular way.

(j) The appeal was withheld, as under the rules no appeal lay.

(k) Yes.

(l) Yes.

(m) Yes. The request was not granted, as no appeal lay in his case.

(n) Yes.

(o) The petition has been rejected.

ALIENATION OF AGRICULTURAL LAND IN PIND DADAN KHAN TAHSIL.

***3936. Chaudhri Allah Dad Khan :** With reference to question *8826,¹ asked in October 1934, will the Honourable Revenue Member be pleased to state the total area covered by the alienations?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : About 110 acres.

OFFICIAL RECEIVERS IN BANKRUPTCY.

***3937. Chaudhri Allah Dad Khan :** Will the Honourable Finance Member be pleased to state the present strength of each community among the Official Receivers in bankruptcy stating for each community the number of agriculturists and of non-agriculturists?

The Honourable Mr. D. J. Boyd : A statement furnishing the information is placed on the table.

Statement showing the present strength of Official Receivers community-wise and the number of statutory agriculturists and non-agriculturists among each community.

Community.	Agriculturists.	Non-agriculturists.	Total.
Hindus	1	9	10
Muslims	3	3	6
Sikhs .. ..	..	1	1

¹Pages 656-57 ante.

MALIARS.

***3938. Chaudhri Allah Dad Khan :** With reference to part (d) of the answer to question No. *3559¹, dated the 24th October 1934, will the Honourable Revenue Member be pleased to state any district of the Punjab where Maliar is not a synonym for Arain?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : All the information Government possesses on this question is that contained in the articles on "Arains" and "Malis" in Rose's "Glossary of the Tribes and Castes of the Punjab and the North-West Frontier Province," to which the honourable member is referred.

ALIENATION OF LAND TO NON-AGRICULTURISTS IN MIANWALI AND CAMPBELLPUR DISTRICTS.

***3939. Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member be pleased to state for the districts of Mianwali and Campbellpur for each of the years from 1920 up to date the number of sanctions given for the sale of land belonging to members of the statutory agricultural tribes, in favour of non-agriculturists, giving—

- (a) the total area in respect of each year for which the sanction was given;
- (b) the number of cases in which the area under sale was 100 kanals or more?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It is regretted that the information is not available; and its collection would entail expenditure that would not be in the public interest.

ALIENATION OF LAND TO NON-AGRICULTURISTS.

***3940. Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member be pleased to state in respect of the whole province for each of the years 1920 up to date the number of sanctions for the sale of land belonging to members of statutory agricultural tribes in favour of non-agriculturists, in which the area under sale was 100 kanals or more?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It is regretted that the information is not available; and its collection would entail expenditure that would not be in the public interest.

UNSTARRED QUESTION AND ANSWER.

INDIAN CHRISTIAN CONSTITUENCIES FOR LEGISLATIVE COUNCIL.

1055. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that in order to frame the two Indian Christian constituencies for the Legislative Council election, it was at first proposed to include all districts having a population as low as 3,000 Indian Christians, but that later the idea appears to have been given up and a much higher figure has been substituted instead of 3,000;

(b) the reasons for making this change ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) The suggestion to include all districts with an Indian Christian population of 8,000 or over in the one or the other special Indian Christian Constituency was first made by the Provincial Franchise Committee.

(b) The suggestion amounts to extending the Indian Christian Constituencies to more than half the province in areas widely scattered and distant from one another not only making them unwieldy and administratively difficult to manage but also troublesome for candidates. It is not practicable to give effect to this suggestion. Attention is in this connection invited to paragraph 10 of the Communal Award.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

Clause 11—(concluded).

Mr. President : The Council will now resume discussion on the amendment to clause 11.

Mr. Mukand Lal Puri (Punjab Industries) : Yesterday I was referring to section 7 of a Bill of the United Provinces, i.e., section 7 of a Bill to make temporary provision for the regulation of the execution of civil court decrees for the debts of agriculturists in the United Provinces. That provision is as follows :—

7. Any person making an application under section 6 shall pay into court to the credit of the decree holder either on the date of the application or on some other date within a period to be fixed by the court and not exceeding thirty days a sum equivalent to 25 per cent. of the amount due under the decree if the decree is for payment of money or under the preliminary decree if the decree is a final decree for sale.

Therefore some payment of such a kind would be a test of the *bona fides* of the applicant. It would prevent bogus applications being put in calculated merely to hold up execution proceedings. I have already stated before the House that the conciliation boards, according to the present provisions, cannot function until the debtor gives his consent. Therefore you are giving the debtor a highly privileged position and you are making him the arbiter of all proceedings. Should you not take some guarantee from him that the debtor means business before the conciliation boards begin to function, proceed to fix a date of meeting, summon creditors and ask them to prove their debts and bring their account books and so on ? If at the last moment the debtor says, thank you, please do not proceed further, the conciliation boards at once become *functus officio*, they have absolutely no jurisdiction to proceed further in the matter and the debtor can retire from the proceedings with impunity. He is not liable to pay any costs, his position is not made any the worse for having put the conciliation boards or the creditors to so much trouble and expense and he would have, during the period of 6 or 8 months which would be the normal period before the final agreement is arrived at, derived all the advantages from the stay of civil processes against him. It is not only fair that before he is permitted to make this machinery function he should give some test of his *bona fides*, some indication that he genuinely desires conciliation and he does not

[Mr. Mukand Lal Puri.]

want to initiate proceedings simply with a view to stay civil process against him. Therefore it is necessary that he should be asked to deposit some amount. You are no doubt aware that in insolvency proceedings when a debtor comes to an insolvency court and applies for insolvency, the court as a rule takes possession of the whole of his assets for distribution amongst his creditors. In any case, as soon as an order of adjudication is made, the assets of the insolvent vest in the official receiver and an insolvent is at once deprived of the possession of his property.

Chaudhri Allah Dad Khan : May I rise to a point of order? This section is about particulars to be stated in the application by the debtor and the creditor and nothing else, but the provision which is sought to be passed by the amendment goes beyond the scope of the section and if it is adopted it will make the Bill look grotesque and will also make the other provisions inconsistent with each other.

Mr. Mukand Lal Puri : This is just the proper place where this should go. I am suggesting what should be the minimum requisites of an application.

Mr. President : The honourable Mr. Mukand Lal Puri is moving a new clause. The place where the clause, if accepted by the House, will be inserted in the Bill, will be determined by the member in charge of the Bill and the Secretary to Government, Punjab, Legislative Department.

Mr. Mukand Lal Puri : I was pointing out before I was interrupted that even in insolvency proceedings after the adjudication the entire estate of the debtor is transferred to the court or the official receiver. And further, before civil processes are stayed against him, the insolvency court has to pass such order. The mere fact that an insolvency application is filed is not enough to stay execution of decrees against him or stay the continuance of other suits against him. Before that is done an order of insolvency court is necessary. The effect here of merely putting in an application to a conciliation board is to place him in a much more advantageous position than he is placed by putting in an application before insolvency courts. You do not require any security from him or any guarantee of his *bona fides*. As I have already stated, after 6 or 8 months he has merely to say, 'I do not agree to your most reasonable proposals,' and neither the conciliation boards nor the creditors have any jurisdiction over him or can make him change his attitude. Therefore with the object of protecting these conciliation boards from the machinations of such debtors who really do not intend to settle, it is necessary either that they should be made to hand over and place at the disposal of the conciliation boards all the assets of which they are possessed as in insolvency courts or if that is not liked, then they should deposit with their application at least 25 per cent. of their debts. I have sent in a notice of amendment that it need not be 25 per cent., it may be only ten per cent. It is very necessary that the Government should insist upon some such deposit being made. With these words I support the amendment.

Mr. President : Does the honourable member wish to move his alternative amendment for ten per cent. deposit?

Mr. Mukand Lal Puri : I have sent up an alternative proposal to 25 per cent. deposit that is insisted upon in the United Provinces. But if that is thought too high let it be ten per cent.

I beg to move—

That in clause 11 the following be added as a new sub-clause—

Any debtor making an application under section 10 shall deposit with his application a sum equivalent to 10 per cent. of the amount due from him. If this is not done the application shall be rejected.

Mr. President : The motion moved is—

That in clause 11, the following be added as a new sub-clause—

Any debtor making an application under section 10 shall deposit with his application a sum equivalent to 10 per cent. of the amount due from him. If this is not done the application shall be rejected.

Chaudhri Allah Dad Khan (Ambala division, North-East Muhammadan, Rural) : I rise to oppose the amendments moved. It is indeed very difficult in these hard times to find 10 per cent. or 25 per cent. of the debtor's dues. If the debtor is unable to find it, it means that all the provisions of this chapter will remain a dead letter. They will not be of any use to him and the chief object of the whole chapter is gone. All that we want is that there ought to be relief afforded from the huge burden of debt and this is one of the best means of doing that. When a person has very little resources he is compelled to make a deposit in advance before seeking relief. The board may make a settlement and after the settlement is made having regard to the debtor's estate and his means, the debtor will of course try to find the money due in the hope that if that amount is paid he would be absolved of all his obligations. If in the beginning he is asked to dispose of his property at a low price in order to be able to seek relief and then if a settlement is not effected because there are so many conditions before a settlement could be effected, then the amount of his suffering will be far greater than his present position of indebtedness. As far as the example of the United Provinces from which the honourable member, Mr. Puri, has been drawing inspiration, is concerned, the circumstances here are quite different from those in the other province. In the United Provinces there are very big landholders and small landowners are non-existent. People there can somehow or other find money to deposit beforehand. It would be easy for them to borrow money for the purpose. But here seeing that there is a very heavy debt burden and there are many small landholders we can well realise how difficult it would be to procure money in the beginning and then go to the conciliation board for a settlement. Again, I am told that this clause was not adopted by the United Provinces Council. There was such an opposition to it there. That being the case, how can you expect a thing to be possible here which was not possible in the United Provinces in spite of the favourable circumstances prevailing there? Unless the Council wants to take away by one hand what it offers by the other, I do not see how this amendment can be supported. It seeks to put things in a topsy-turvy manner. It will be absolutely no good to the debtor class and I do not think any honourable member will be disposed to support this amendment. With these words I oppose the amendments moved.

The Honourable Mr. D. J. Boyd (Finance Member): I should explain that the Government must oppose this amendment mainly because zamindars before the harvest may not be able to deposit anything. As a rule they borrow before the harvest and pay back after the harvest. This amendment, if adopted, would preclude zamindars from making any use of conciliation boards just at the time when they most need them.

Mr. Labh Singh (Rawalpindi division and Lahore division, North non-Muhammadian, Rural): I want to say just a few words. The honourable member in charge of the Bill has thought fit to oppose both the amendments proposed, that which was proposed by me to the effect that an application should be accompanied by a 25 per cent. deposit as also the other amendments of the honourable member to my left, Mr. Mukand Lal Puri, to the effect that there may be a ten per cent. deposit. This ten per cent. need not necessarily be in cash. Let assets of the value of such amount as would amount to ten per cent. of the entire debt or 25 per cent. of the entire debt, as the case may be, be handed over to the board for rateable distribution among the creditors. The difficulty pointed out by the honourable member in charge of the Bill is only an imaginary one and has no force. As regards the difficulty raised by the previous speaker he only confirmed the impression that this Bill is taken by them as a machinery to write off all debts. Otherwise what is the test of good faith? The only relief that they can claim and the only way that that relief can be claimed and given to them, according to their way of looking at the matter, is that the entire debts should be wiped off by the process of writing them off. Otherwise we propose these amendments with a view to redeem the procedure as well as the substance of this Bill from being thoroughly infructuous. We want to redeem the measure from being a cruel mockery. It is clear from its provisions that a person who makes up with a creditor of even to the extent of 1 per cent. of the total debts and agrees with him to some mode of composition may also collusively arrange that that one per cent. of the entire debt shall be paid over a course of 12 years. Now during this period of 12 years the entire judicial process, the entire civil process of execution would be suspended. It would reduce the Bill to a mockery and it is our intention that this Bill should be redeemed from that position. That is the reason why we have put up these amendments. If the Government think that the Bill as thus interpreted can be anything less than a mockery or more than that, it is for them to say.

Mr. President: The question is—

That in clause 11 the following be added as a new sub-clause—

A debtor making an application under section 10 shall deposit with his application a sum equivalent to 25 per cent. of the amount due from him. Such amount shall be rateably distributed among such of the creditors as are parties to an amicable settlement.

The motion was lost.

Mr. President: The question is—

That in clause 11 the following be added as a new sub-clause—

Any debtor making an application under section 10 shall deposit with his application a sum equivalent to 10 per cent. of the amount due from him. If this is not done the application shall be rejected.

The motion was lost.

Mr. President : The question is—

That clause 11 as amended stand part of the Bill.

The motion was carried.

Clause 12.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : I beg to move—

That the following proviso be added to sub-clause (1) of clause 12—

Provided that the Board may at any time dismiss the application, if, for reasons to be stated in writing, it does not consider it desirable to attempt to effect a settlement between the debtor and the creditors.

There are two possibilities under which this provision can be made use of and which show how important this provision is. In the first place we have provided for verification of the applications. Supposing the verification shows that statements are made in the application which are false, the only thing that can be done is that the board has discretion to prosecute the debtor under the proper sections of the Indian Penal Code. It is not obligatory on the boards to prosecute the debtor : they may prosecute him or they may not prosecute him. However that is quite a different matter. But what would be the effect on the proceedings pending before the board ?

Another possible case in which this provision will be useful is that when there has been a collusive transfer, only a short time before the application is put in, of the property belonging to the debtor in favour of a relation in order to defraud the creditor. The Insolvency Act makes a clear provision for cases of this kind. The insolvency petition is rejected. But what would be the consequence here if the board is not given any power of dismissal. The only power that has been given to stop proceedings is in cases in which the creditor or debtor does not show proper diligence in dealing with the proceedings. Where the debtor puts in a statement which is false or where he makes a collusive transfer of property shortly before the application is put in what has the board to do ? The board cannot dismiss the application. Such debtors and such creditors who are guilty of this kind of fraud should certainly be deprived of the privilege of appearing before the conciliation board and claiming those advantages which the conciliation board gives. I believe I have made the case quite obvious and I hope that the Council will accept this amendment with the support of the official benches.

Mr. President : New clause proposed—

The following proviso be added to sub-clause (1) of clause 12—

Provided that the Board may at any time dismiss the application, if, for reasons to be stated in writing, it does not consider it desirable to attempt to effect a settlement between the debtor and the creditors.

Mr. Mukand Lal Puri (Punjab Industries) : This amendment reproduces what was in the original Bill as clause 12, but which was omitted in the select committee by a majority. It also finds a place in section 7 of the Central Provinces Act. I do not wish to add to the reasons which have been given by Raja Sahib in support of this amendment. If you are copying any section of another Act, you ought to copy it in its entirety unless there are some special reasons for the change. By taking away this power of dismissal from the conciliation boards you are making them useless, in fact wiping them out of existence except as instruments of debtor's will.

The Honourable Mr. D. J. Boyd (Finance Member): As the House is doubtless aware this proviso was in the original draft of the Bill. It was to my mind a very wholesome proviso indeed as it gave conciliation boards powers which courts to a certain extent enjoy and which in my opinion they were in need of, and the Government benches will support this amendment.

Mr. President: The question is—

That the following proviso be added to sub-clause (1) of clause 12—

Provided that the Board may at any time dismiss the application, if, for reasons to be stated in writing, it does not consider it desirable to attempt to effect a settlement between the debtor and the creditors.

The motion was carried.

Mr. President: The question is—

That clause 12 as amended stand part of the Bill.

The motion was carried.

Clause 13.

Mr. Mukand Lal Puri (Punjab Industries): Sir, I beg to move—

That in clause 13, sub-clause (1), for the words 'on the date fixed' the following words be substituted—

If after examining the debtor the Board is of opinion that it is desirable to effect a settlement between him and his creditors.

After the last amendment has been accepted it is necessary to insert in clause 13 some such provision as the one I now propose. It found a place in the original Bill and it is practically in effect the amendment which has already been accepted by the House.

Mr. President: Does not the honourable member wish to move the amendment?

Mr. Mukand Lal Puri: Our present clause 13 corresponds to the old clause 12 and if my amendment is passed, clause 13 will read—

(1) If, after examining the debtor the Board is of opinion that it is desirable to effect a settlement between him and his creditors it shall publish—

Chaudhri Allah Dad Khan: How does it come in? It is again out of place. If this amendment is carried, then the clause will become meaningless.

Mr. President: But the inconsistency in the two amendments is apparent. In the amendment which has just been passed the words are—

Provided that the Board may at any time dismiss the application if, for reasons to be stated in writing, it does not consider it desirable to attempt to effect a settlement between the debtor and his creditors.

while here the amendment reads:—

If after examining the debtor the Board is of opinion that it is desirable to effect a settlement between him and his creditors.

Mr. Mukand Lal Puri: I am asking the House to restore what was in the original Bill. The original Bill contained the proviso which the Council has just passed. The original Bill also contained these words. If the present amendment is inconsistent, then both the Central Provinces Act and the original Government proposal were inconsistent, which I submit, is not the case. Besides, I am introducing the examination of the debtor, that is, the conciliation board should further satisfy itself that it is desirable to effect a settlement. There is nothing inconsistent.

Mr. President : What I meant to say was that this amendment is covered by the previous one which has just been passed.

Mr. Mukand Lal Puri : In a way it is ; not in all its provisions ; but to a great extent it is covered. These words were omitted from clause 12 because of the omission of the proviso to clause 11. They practically stand or fall together.

Mr. President : If the honourable members do not feel that this proviso is covered by the one which has just been passed, I have no objection to its being discussed.

Mr. Mukand Lal Puri : Section 12 provides that the board may at any time dismiss the application. After the date has been fixed, the present amendment provides, the debtor should be examined and if as a result of the examination they do not consider it desirable to proceed, they need not proceed.

Mr. President : May I take it that under the previous clause if a board after examining the debtor is of opinion that the application should not be proceeded with, it will not be entitled to act ?

Mr. Mukand Lal Puri : In the previous clause examination of the debtor does not come in at all. What I am emphasising is that after the application has been put in and the date has been fixed, the conciliation boards shall examine the debtor and if after examining the debtor they come to the conclusion that it is not desirable to proceed, then they need not proceed.

Mr. President : I have already expressed the opinion that this sub-clause is entirely covered by the previous clause ; but if the lawyer members and the member in charge of the Bill feel that it is not covered, I will have no objection to its being discussed and passed.

Mr. Mukand Lal Puri : If the board is of opinion that it is desirable to effect a settlement—

Mr. President : But the words 'at any time' in the previous clause do not leave any possible doubt in my mind that even after the examination of the debtor the board has power.

Mr. Mukand Lal Puri : I do not for a moment doubt that once power has been given it can be exercised at any stage, but my amendment will give a direction to the board to proceed in a particular manner. There is absolutely no inconsistency in it.

Mr. President : I concede that instead of calling it inconsistent I should have said that the previous clause covers this amendment.

Mr. Mukand Lal Puri : The entire amendment is not covered by the previous clause; a portion of it may be covered, but the draft can be improved. I am merely suggesting that sections 7 and 8 of the Central Provinces Act contain both the provisions, the one which has been passed and the one which I am suggesting now. They would correspond with our sections 12 and 13.

Mr. President : Clause under consideration, amendment moved—

That in clause 13, sub-clause (1), for the words "on the date fixed" the following words be substituted—

If after examining the debtor the Board is of opinion that it is desirable to effect a settlement between him and his creditors

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban): To my mind, as you have been pleased to remark, this proviso is redundant; of course, there is some slight difference. If you read the two provisions together—for instance, the proviso that was proposed by Raja Sahib and adopted by the House just now and the proposed amendment—you will see that reasons are to be recorded as already passed by the house. According to the amendment now proposed, after the debtor is examined, process may not issue. And herein lies the difference and that is perhaps the hidden meaning why it is being pressed. Here the board need not record the reasons, they need not dismiss the application at that stage, they might keep it pending, they might ask the debtor to do some act, they might ask the creditor to do some other act. The object of this new proviso is that when a debtor is examined it is not obligatory upon the conciliation board to record any reasons for the purpose of dismissal. They may keep it pending and that without recording any reasons. If you retain it you will be going a step further and giving the conciliation boards still more power. To my mind there is some difference and it is for the House to decide whether they are going to keep it or not. But it must be conceded that there is some difference between the two provisos. The meanings are quite different.

Khan Bahadur Malik Zaman Medhi Khan (Sheikhupura, Muhammadan, Rural): There is no doubt that the conciliation board can proceed with the application, but then here there is no direction to the conciliation board what to do. Therefore there is no objection if this proviso is accepted, but in a different language. The language now used leaves much to be desired. It says that if the board thinks it desirable. There is no question of desirability or otherwise. The language should be to the effect that if after examining the debtor the application is not dismissed, then the court will publish a notice and so on.

The Honourable Mr. D. J. Boyd: What does the Leader of the Unionist Party say?

Mr. President: The question is—

That in clause 13, sub-clause (1), for the words 'on the date fixed' the following words be substituted—

If after examining the debtor the Board is of opinion that it is desirable to effect a settlement between him and his creditors.

The motion was lost.

Mr. J. D. Anderson (Legal Remembrancer): Sir, I beg to move—

That in the proviso to sub-clause (2) of clause 13 for the words 'if the Board has ceased to exist' the following shall be substituted—

if no Board is vested with jurisdiction by the Local Government.

This amendment is really consequential on the new clause 8 (4) which the House has accepted.

Mr. President: The question is—

That in the proviso to sub-clause (2) of clause 13 for the words 'if the Board has ceased to exist' the following shall be substituted—

if no Board is vested with jurisdiction by the Local Government.

The motion was carried.

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan, Rural): Sir, I beg to move—

That in clause 13, proviso to sub-clause (2), line 5, for the word 'and' occurring between the words 'him' and 'that' the word 'or' be substituted.

The proviso as in the Bill reads—

Provided that if a creditor proves to the satisfaction of the Board, or, if the Board has ceased to exist, to the satisfaction of a civil court, that the notice was not served on him *and* that he had no knowledge of its publication, the Board or court may revive the debt.

This proviso as it is worded is really harsh and lays a double burden on the person to prove two things, namely, that the notice was not served on him and secondly that he had no knowledge of it. The service of notice may include one of two things. It may be a personal service or it may be a service, for instance, in the manner provided for in order 5, Rule XX of the Civil Procedure Code. In that case although the law would say that a notice has been served upon certain persons because of the substituted service, yet the persons concerned may have no knowledge of it whatsoever. It will be very difficult for a person to prove the negative. It will, therefore, be but fair and proper that the word "and" should be substituted by the word "or" which would mean that a person would be debarred from reviving his debt if the notice was served on him or if he had knowledge of the proceedings before the conciliation board. I hope the House would see its way to accept this amendment.

Mr. President: The question is—

That in clause 13, proviso to sub-clause (2), line 5, for the word 'and' occurring between the words 'him' and 'that,' the word 'or' be substituted.

The motion was lost.

Mr. President: The question is—

That clause 13 as amended stand part of the Bill.

The motion was carried.

Clause 14.

Mr. President: The question is—

That clause 14 stand part of the Bill.

The motion was carried.

Clauses 15 and 16.

Mr. President: The question is—

That clauses 15 and 16 stand part of the Bill.

The motion was carried.

Clause 17.

Mr. Mukand Lal Puri (Punjab Industries): Sir, I beg to move—

That in clause 17, sub-clause (1) for the words 'or any of the creditors' the words 'creditors to whom not less than 60 per cent. of the total amount of the debt is due' be substituted.

In clause 17 the select committee made one of the most fundamental changes with respect to the procedure of the conciliation board. The original

[Mr. Mukand Lal Puri.]

Bill provided in clause 16 as follows :—

If the debtor and creditors to whom not less than sixty per cent. of the total amount of the debtor's debt are due come to an amicable settlement, the Board shall forthwith reduce such settlement to writing in the form of an agreement setting forth the amounts payable to each creditor and the manner in which and the times at which they are to be paid.

Clause 17 of the present Bill as it has emerged from the select committee provides—

If the debtor and all or any of the creditors come to an amicable settlement, the Board shall forthwith reduce such settlement to writing in the form of an agreement setting forth the amounts payable to each creditor and the manner in which and the times at which they are to be paid.

Sub-clause (2) of clause 17 provides—

An agreement thus made shall take effect as if it were a decree of a civil court having jurisdictions in the area.

Thus it will be observed that the entire basis of the proceedings of conciliation has been changed. I may submit again that this change was effected by the votes of a majority against the opinion of the minority supported by the official members in the select committee. By this change, these provisions cease to be a procedure for conciliation and become a procedure for spoliation in as much as it is not necessary that the general body of creditors should agree. All that is necessary is to get one creditor to agree to the settlement and if that is done, then the agreement must be given effect to even though the conciliation board acting unanimously thinks that the arrangement is not fair. The effect of this change in the law effected by the select committee would be that a debtor in collusion with one creditor would be able to deprive the entire body of creditors of any chance of recovering their dues.

Mr. President : How ?

Mr. Mukand Lal Puri : It would happen like this. Supposing a debtor is quite well off and is able to repay his debts. A suit is filed against him and a decree is obtained by the creditor. The decree holder wishes to execute the decree. The debtor will put in an application before the conciliation board. The effect of that will be to stay the execution of the decree. After the decree has been stayed, the judgment creditor as well as other creditors will be given notice. They all come and, let us assume, protest against the application of the debtor. Now, suppose the debtor colludes with one of the friendly creditors and proposes to give him, or rather agrees to give him his entire property in lieu of the settled amount. It is also possible, very probable, that the debtor will have in such a case concealed his other assets or transferred them to his son or daughter or any other near relative, but that may, for the time being, be left out of consideration. Now the creditor who colludes with the debtor will assert that he has come to an agreement with the debtor, that he will take for instance the entire property of the debtor in lieu of the sum due, on a lease for twenty years. The other creditors will say that this should not be done. But the conciliation board will have no option but to register the settlement arrived at between the debtor and colluding creditor and transfer to him the available assets. Even if all the other creditors protest and even if all the members of the conciliation board unanimously consider that this is a dishonest arrangement,

they cannot interfere. This clause provides that as soon as an arrangement is entered into the conciliation board has no option but to give effect to it and execute it as if it were a decree of a civil court. The result of substituting "all or any of the creditors" for sixty per cent. of the creditors is to substitute the judgment of one creditor which in fact will invariably be the decision of the debtor for the general sense of the entire body of creditors or of a majority of them. This provision will deprive all the other creditors of all remedies against the debtor. That is why I submit that this is one of the most revolutionary changes effected by the select committee. In the Central Provinces Act instead of 60 per cent. they have put down 40 per cent. (*An honourable member*: When was that Act passed?) Last year. In the original Bill of the Central Provinces 60 per cent. of the creditors was considered necessary, but when the provision came up for consideration the legislature reduced it to 40 per cent.

On general grounds also it appears reasonable that when there is conciliation there should be give and take from both sides. On the one hand, as far as the debtor is concerned, you give him absolute discretion to refuse the compromise. Thus, if all the creditors combine together and ask unanimously that they may be given two annas in the rupee and the conciliation board thinks that the request is a reasonable proposal, the debtor can refuse to consent to that compromise. There is no power to compel the debtor to accept this compromise nor have the conciliation boards any power to give effect to any proposal which they consider reasonable. Thus the entire machinery of the conciliation board is made subservient to the will of the debtor. On the other hand all the creditors are not taken into consideration. At one time it was thought that instead of 60 per cent. Government ought to substitute all the creditors. If you look up the opinions which were published before the Bill went to the select committee it will be found that a fairly influential section of opinion including the opinion of certain officials was in favour of substituting "all" for "sixty per cent." Now, of course, that is gone. What I now submit is that if conciliation is wanted, that necessarily implies that there is a fair amount of consensus of opinion, of persons who are affected by it and who accept the conciliation.

After all, if nothing is to be had from a debtor, the creditors are not fools.

3 P. M.

Therefore, it is very necessary, if you want to make these conciliation boards effective or work with any sense of fairness or equity, that you must not make them subservient to the wish of the debtor altogether. If you permit conciliation with one creditor to be treated as a decree, you practically make all the other creditors subservient to the will of the debtor because it is the easiest thing in the world for a debtor to get hold of one creditor who would collude and accept most unreasonable terms. I, therefore, move my amendment.

Mr. President: Clause under discussion, amendment moved—

That in clause 17, sub-clause (1) for the words "or any of the creditors" the words "creditors to whom not less than 60 per cent. of the total amount of the debt is due" be substituted.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General): I support this amendment. There is an amendment standing in my name to clause 19 which is much in the same words as the amendment just moved by my friend to the right. I find that Government is also not satisfied with

[D. B. Raja Narendra Nath.]

the change made by the majority of the members of the select committee in the original draft, but they have adhered to the old draft and they have introduced some change in order to accommodate and pacify some of the rural members. What I wish to point out is this. At the present stage it must be necessary to point out that this question of the proportion of the debt which is going to be settled ought to be made part of clause 17 rather than of clause 19. If the major portion of the debt is settled then the creditors of the minor portion are to be compelled to accept that settlement and if they refuse to do so, there are certain consequences which follow, namely, in case they bring a civil suit they will not be allowed costs and if they get a decree they will not be allowed interest at more than 6 per cent. These are the consequences involved ; but these consequences should be made to follow where the creditors of the smaller proportion are recusant ; but not where the creditors of a larger proportion are not satisfied. What I wish to explain is this ; that the change which Government propose in clause 19 ought to be made in clause 17. Clause 17 is to the effect that " If the debtor and all or any of the creditors come to an amicable settlement, the Board shall forthwith reduce such settlement to writing in the form of an agreement setting forth the amounts payable to each creditor " and so on. I say that according to the terms of clause 19 which Government is going to propose if only one creditor accepts the settlement, there is practically no settlement. Therefore that proportion which Government wishes to fix ought to come in clause 17 and this was the previous arrangement. In the original clause 16 the very first reference to settlement was made and the proportions were fixed. Surely the creditors of the major portion of the debt should be reconciled before other creditors can be compelled to the consequences which their refusal involves. With these words I support Mr. Mukand Lal Puri's amendment.

The Honourable Mr. D. J. Boyd (Finance Member): Sir, the honourable member who has just spoken urges that the proportion of creditors to a settlement should be fixed in clause 17 rather than in clause 19. He pointed out that in the original draft of the Bill this proportion was inserted in clause 17, but that now the Government have proposed an amendment to clause 19 so as to provide for a definite percentage of creditors in that clause. As explained, the reason for Government's attitude in the matter is this. When the select committee omitted the 60 per cent., originally inserted in clause 17, their reason was that it was unwise to prevent a single creditor from coming to an agreement with the debtor and that conciliation boards should help, as far as they possibly could, all or any of the creditors to come to an agreement with the debtor. That was a very cogent argument and after considering this argument Government decided that they would not try to re-insert the proportion in clause 17 so that as this clause stands any number of creditors may come to an agreement with the debtor and have their agreement registered by the conciliation board. That, I think, is quite a right and fair provision. But the penalties attached to the refusal to join an agreement will be found in clause 19 and these are the penalties attached either to creditors whose debts have been certificated or to creditors who have been foolish enough to advance money after the agreement has been concluded. In the case of the latter,

I do not think they deserve any consideration at all, because what they do they do with their eyes open. In the case of the former, certification is a very serious penalty indeed and the Government do not think that any loophole for fraudulent collusion should be left in cases in which the severe penalties entered in clause 19 (3) still operate and for that reason the Government have proposed an amendment to clause 19 and I should say, with all the seriousness that I can possibly command, that Government mean to insist, as far as they possibly can, on this amendment.

Mr. Mukand Lal Puri : The Honourable the Finance Member had been pleased to suggest that it is unwise to prevent any creditor from coming to terms with his debtor and it was with that object that they did not object to the omission of the 60 per cent. of creditors and the substitution in their place of one creditor. But he says that where the question of penalties comes, where as a result of this compromise other creditors are likely to be penalised, they would insist upon a provision preventing the imposition of the penalty unless 40 per cent. or a certain percentage of the creditors have agreed to that settlement. I consider the attitude of the Government in this respect to be very reasonable and if the Honourable the Finance Member could assure himself that as a result of a compromise between one creditor and one debtor, other creditors will not be penalised in any way, I will certainly not object to the amendment that he proposes. But I respectfully submit that this is not the effect of the legislation to which the Government is giving its concurrence. The effect of the legislation to which the Government is now lending its support is that the other creditors, howsoever reasonable their claims, howsoever proper their point of view, stand to be penalised. The Honourable the Finance Member has not paid sufficient attention to the other provisions of the Bill which penalise other creditors by this agreement. The first provision to which I wish to draw his attention is the provision that "an agreement thus made shall take effect as if it were a decree of a civil court having jurisdiction in the area." Now, if the agreement was only this: "Rs. 100 are due from him and I agree to take Rs. 25" and if a decree were passed to that effect no other creditor will be penalised, such an agreement and a decree will not penalise any other creditor. But I am not quite sure if the decree which is contemplated by sub-clause (2) of clause 19 is only a simple money decree of that kind and is not intended to include transfer of property of that debtor to his creditor. Supposing, instead of saying that he accepted Rs. 25 or Rs. 10 for the Rs. 100 due to him, an agreement were entered into by which the debtor's land is transferred either for ever or for twenty years in lieu of the debts due to this single creditor, will the conciliation board be bound to pass a decree of that type or not? If the conciliation board is not permitted to pass a decree of that type, but merely a decree of scaling down the debt, or a simple money decree it would not harm other creditors. But if it involves the transfer of the property of the debtor to the creditor, then by this agreement between one creditor and one debtor you penalise all the other creditors beyond any possibility of relief. A member wishes to know how this will be done. You have done it in this manner. There is another provision in the Bill which lays down that "all proceedings against the debtor or his estate shall be stayed during the continuance of the proceedings of the conciliation boards." All this time, while the proceedings before the board continue, the hands of other creditors

[Mr. Mukand Lal Puri.]

are tied. They cannot sue him, they cannot execute decrees against him and as soon as their hands are free, there is a decree of a civil court in existence by which the property of their debtor has been alienated in favour of another creditor, which decree, again, according to another provision in the Bill is not liable to be attacked in any further civil proceedings. A decree of an ordinary civil court, of even the Privy Council can be attacked on the ground of fraud or that it has been collusively obtained, or that it has been obtained with a view to defraud the creditor or that it is a decree which comes within the purview of section 53 of the Transfer of Property Act, but in the case of a decree obtained under sub-clause 2 of clause 19, the courts are debarred from questioning the decree. Therefore I say if the object of the Government is, as the Honourable Finance Member was pleased to say, not to penalize other creditors unless a certain percentage of the creditors consider the agreement to be reasonable, the Government has not been able to achieve its object. I earnestly ask the Government to reconsider their position in this matter whether they feel sure of the interpretation of the provisions which they are asking this House to enact that other creditors are not likely to be penalized by any collusive settlement which would be treated as a decree under sub-clause (2) of clause 19. I would have absolutely no grievance if they are right in their interpretation. I would request the Honourable the Finance Member to consider with the assistance of the Legal Remembrancer this question and if he comes to the conclusion, as he would, that the other creditors would be penalized, then I submit the Government should accept this amendment and restore the provision which existed in the original Bill and which find a place in the Central Provinces Act also.

The [Honourable Mr. D. J. Boyd (Finance Member) : Sir, I have listened very carefully to what the honourable member has just said, but I remain of the same opinion still. We cannot possibly assume that our conciliation boards are going to be composed of fools who will not see through the collusive tactics described by him. I still maintain that where penalties are concerned Government are providing that a sufficient proportion of creditors should agree before any penalty can come into operation.

Mr. President : Question is—

That in clause 17, sub-clause (1) for the words 'or any of the creditors' the words 'creditors to whom not less than 60 per cent. of the total amount of the debt is due' be substituted.

The motion was lost.

Mr. Mukand Lal Puri (Punjab Industries) : Sir, I beg to move that—

That in the proviso to sub-clause (1) of clause 17 the word 'unanimously' be omitted.

The clause as originally proposed by the Government did not contain the word 'unanimously' and it has been added by the select committee. You would kindly see that this proviso to section 17 gives jurisdiction to the boards to refuse to authenticate the agreement. This is the only occasion on which a board may refuse to recognize the agreement. I say that the boards have no power to refuse to accept the agreement on any ground except what is given in this proviso. Now, there is no reason why, if all the other decisions of the boards have to be by majority, this decision alone should

'be 'unanimously'. Why do you even allow the conciliation boards to function? If they have to come to a decision against the debtor they must be unanimous, but if they have to come to a decision against the creditor, or if they have to come to some other decision, they may act by majority. Now, what is the reason, I wish to know, for putting in the word 'unanimously'? The proviso reads as follows:—

Provided that if the Board is unanimously of the opinion that the period fixed for payment is excessive, the Board may refuse to authenticate the agreement. The Board shall also pass an order dismissing the application so far as it relates to the creditors who have not come to an amicable settlement.

Therefore I submit that the word 'unanimously' should be omitted. I wish to point out that except in the case where the board considers the period of payment to be excessive, they have no jurisdiction to refuse, but they have to authenticate an agreement which has been arrived at between the debtor and even one of his creditors. I submit that, howsoever unfair the proposal may be, the agreement has to be authenticated. Supposing one debtor agrees with the creditor to sell his entire property to him in lieu of the fact that he owes some debt, the conciliation board has no power to refuse because the agreement has been arrived at, although that might work to the entire expropriation of the other creditors. They have been given power only to refuse to authenticate when the instalments fixed are such which in their opinion are not fair. When you have given such limited jurisdiction to the conciliation boards to interfere with an agreement when the decision is to be against the debtor, is it fair to couple it with provisions that decision will only be binding upon them if all the members agree. This is expressing a distrust in the conciliation boards (*hear, hear*).

Mr. President : Clause under consideration, amendment moved—

That in the proviso to sub-clause (1) of clause 17 the word 'unanimously' be omitted.

The Honourable Mr. D. J. Boyd (Finance Member) : Sir, I entirely agree with the honourable member who has just spoken in regard to this matter. I do not think we should retain this word 'unanimously.'

Mr. President : Question is—

"That in the proviso to sub-clause (1) of clause 17 the word 'unanimously' be omitted."

The motion was carried.

(At this stage Diwan Bahadur Raja Narendra Nath wanted to move his amendment.)

Mr. President : The honourable member's amendment does not appear to be in order.

Diwan Bahadur Raja Narendra Nath : I wish to submit that the Council has changed the provisions of the Insolvency Act which is an Act of the Imperial Legislature without any reference to the Government of India. The Government of India agreed to one thousand rupees but the select committee raised it to fifteen hundred and then the Council raised it to two thousand by mutual agreement. I hope the same indulgence will be shown to me.

Mr. President : It goes beyond the clause as well as the Bill. The Bill does not deal with execution of decrees.

Mr. Mukand Lal Puri : The sub-clause says that the agreement will take effect as if it were a decree of a civil court.

Mr. President : It may be so, but the passing of a decree is different from its execution.

Diwan Bahadur Raja Narendra Nath : Is it not within the province of the Council to lay down how the execution should be made or at least to make a specific provision about it?

Mr. President : Government of India's sanction is a separate matter. My objection is that the amendment of the honourable member goes beyond the clause and the Bill.

Diwan Bahadur Raja Narendra Nath : I am quite convinced that the Bill is a measure for the relief of indebtedness and it is for bringing about a settlement between a creditor and a debtor. The creditors will be easily won over and will come round to settle if this provision is allowed to remain. I do not think that the conciliation boards will find it an easy work if there is no prospect of the recovery of the amount which is agreed between the parties.

Mr. President : I agree but that can be done by a separate Bill.

Diwan Bahadur Raja Narendra Nath : I am dealing with that part of the Bill which deals with conciliation boards and it is very important to make this amendment.

Mr. President : The honourable member's amendment does not relate to decrees but to the execution of decrees.

Mr. Labh Singh : Execution with reference to a decree.

Diwan Bahadur Raja Narendra Nath : The amendment appears to be perfectly in order. The select committee and the Government have said that the agreement should be treated as a decree of a civil court. Can anybody be prevented from suggesting further modifications of the proposals of the Government? Are the proposals of the Government final on that point that it has to have one effect and no other? It may have a full effect or a modified effect. Further, I want to appeal to the Chair that there is one very strong argument in favour of the amendment. After all the Chair need not rule it out of order because I know the amendment will not be accepted. Let me, therefore, have the satisfaction of saying what I want to say.

Mr. President : I am simply doubtful. That is all.

Diwan Bahadur Raja Narendra Nath : There will be no difference practically if I am allowed to move my amendment. I know I am putting a ball on a dome. It will slip down.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Apart from the merits of the point raised by him, I may remind the honourable Raja Sahib that Government has given an undertaking, not once but repeatedly and definitely, that they will not allow the Land Alienation Act to be restricted or extended in its scope. Therefore even if the amendment is ruled in order, Government will not and cannot support it.

Diwan Bahadur Raja Narendra Nath : It will simply relieve my conscience and it will not be of any practical consequence to the Bill. I know its fate but if you will allow me I shall just say a few words.

Mr. J. D. Anderson : I have given my best consideration to this question and frankly I find it of such difficulty that I am not prepared at the moment to express a definite opinion. I regret my inability.

The Honourable Mr. D. J. Boyd : I respectfully suggest that the honourable member may be allowed to move his amendment.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General)
I move—

That in clause 17, sub-clause (2), the following words be added at the end :—

and shall be executed regardless of the provisions of section 16 of the Land Alienation Act.

There is no need of attempting a settlement if that settlement is not to be followed by payment. In every other province there are provisions as to how the final decree of the conciliation board will be executed. In the Central Provinces Act which our Government is following there is a clear provision that the amount which will eventually be found due from the debtor will be realised as Government revenue. That is to say in realising the dues there will be no exemption of any particular kind of property from sale. Then, we have the example set by the Indian States. We received a very big pamphlet from Bhawnagar where there was a lengthy report submitted by the committee and it was stated that creditors readily accepted reduction of their debts and reduction of their interest when money was to be paid in a lump sum, either the State agreeing to pay or the debtor paying it. We need not go very far to look for instances in point. In Kapurthala State in which a Land Alienation Bill has been recently introduced on the model of the Punjab Act there is a regulation issued by the Maharaja that all old debts are guaranteed by the State and will be paid out of State funds, the amount paid being recovered by the State from the debtors as taqavi. There must be some means of payment. We have been hearing of land mortgage banks. But nothing has yet come to the surface. We do not know whether it is possible to introduce land mortgage banks in a province like ours where all land is exempted from sale. I do not see how land mortgage banks will be in a position to play the part of the agriculturist money-lenders who can easily take their neighbours' land without recourse to a court. I do not know whether a land mortgage bank as an incorporated body will be treated as a member of an agricultural tribe or of a non-agricultural tribe. It seems to me that it will be impossible to treat land mortgage banks and companies which are formed with the object of promoting land mortgages as members of an agricultural tribe. With regard to co-operative societies I remind the Council of the valuable speech made by my honourable friend, Chaudhri Riasat Ali from Gujranwala. He has related to us how difficult it is to get money out of co-operative societies, how onerous are the conditions and how little the banks differed from ordinary money-lenders. Where then will the money come from? If the decree is passed it will merely be a blank paper. In order to achieve the object with which conciliation boards are proposed to be instituted there must be some provision for payment and there must be some way found when the amount of

[D. B. Raja Narendra Nath.]

money due by the creditor is finally paid, or that amount is guaranteed to the creditor and is paid to him. Without this I think I can prophesy that the conciliation boards will either prove to be instruments of oppression or they will fail altogether in their duty and Government will not be in a position to try the experiment in more than one area.

Mr. President : Clause under consideration, amendment moved—

That in sub-clause (2) of clause 17 the following words be added at the end—

and shall be executed regardless of the provisions of section 16 of the Land Alienation Act.

✓ **Rao Bahadur Chaudhri Chhotu Ram** South-east Rohtak, Non-Muhammadan, Rural : I stand here as a representative of very small landowners. Rohtak is essentially a district with small holdings. And if the amendment which has been moved by Raja Sahib were to be adopted I am absolutely sure that within a year 80 per cent. of these small landowners would be expropriated and conditions resembling those in Oudh would be reproduced in the Punjab. I do not wish that Government should help in the concentration of all lands in the hands of a few and make the present landowners landless. The effect of the amendment moved by Raja Sahib cannot but be that of rendering the small landholder entirely landless. The amendment has been held to be in order by the Chair. Otherwise I feel that it is really inconsistent with the object of the Bill. This Bill was introduced in order to afford relief to the debtor, not to despoil him of the property of which he is now possessed. That will be adding to his burden, not taking anything off his shoulders. Anyway now that the amendment has been held to be in order I am opposing it on its merits. If we had been writing on a clean slate perhaps things might have been different. The instance of the Central Provinces has been quoted, but as I have stated over and over again, conditions in the Central Provinces and conditions in the United Provinces and those in Bengal are entirely different from those which prevail in the Punjab. (*An honourable member :* In what way ?) The details have been given by me more than once, at least twice, and I will not be drawn into a repetition of those details. Why, my honourable friend himself knows quite well that conditions are very, very different in the Punjab to those that prevail either in the Central Provinces or in the United Provinces. (*An honourable member :* How does that affect the point ?) One very great difference is that there is no Land Alienation Act in the Central Provinces. They had a clean slate and they wrote whatever they pleased on it. Here you have a legislation which has been on the Statute Book for the last 34 years and has been hailed as the magna charta of the landowning classes and in respect of which in this very House solemn declarations have been made by Government at least three times that Government is not going either to restrict or extend its scope. That makes a very big difference between conditions here and conditions in the Central Provinces. Therefore I oppose this amendment with all the vigour I can command.

The execution stage is not reached under this section and, therefore, execution might be left to take care of itself in civil courts. The business of the conciliation boards is to try to secure an amicable settlement between creditors and debtors and if there is an amicable settlement, to recognise it as a decree and leave it there. If there is no agreement between the creditor and the debtor then the conciliation board has to see whether

reasonable offer has been made by a debtor to the creditors and if a reasonable offer has been made and that reasonable offer has been rejected by creditors then it is for the conciliation boards to certify those debts. After the board has done one of these two things it becomes *functus officio*. Therefore, I oppose this amendment.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Muhammadan, Rural) (*Urdu*): I am really surprised to see that Raja Sahib has thought it fit to move an amendment like the one now before the House. In fact it shows that the honourable mover has not studied the present day conditions of this province. In his speech he has referred to Kapurthala State but he did not care to see that the conditions prevailing in that State are entirely different from those obtaining in this province. For years together the debtor class in the State has been pressing the Government to relieve them of their indebtedness but their bewailings have proved a cry in the wilderness. When all their attempts failed they decided that their debts should be wiped off and in case that was not done they should either give up their profession or fight out issues both with the Government and the sahuksars till their object was attained. Besides they decided not to co-operate with sahuksars who had come to possess their lands. People from British territory now go there and till lands in possession of sahuksars but the people of the State refuse to work for them.

Mr. Mukand Lal Puri: Is the honourable member in order in referring to the administration of States in friendly relations with India?

Mr. President: Mere reference is not objectionable.

Chaudhri Afzal Haq: I was submitting that we should not try to create in this province conditions similar to those obtaining in the State. The Bill, in whatever form it may be passed into law, would not help the sahuksars in realising their debts. If Government take steps to help the sahuksars in realising their debts they will be traversing on delicate grounds. Leaving aside the interest, the zamindars cannot pay up even the principal. In fact they are unable to pay their debts. One hundred rupees borrowed ten years ago are only as good as twenty-five rupees to-day. The honourable member for Industry has rightly remarked that in these days only 25 per cent. decrees granted by courts are with great difficulty executed. Five years ago 393 persons were sent to jail for non-payment of land revenue and during the last three years the number of such persons amounted to 1,000. What do these things indicate? They clearly indicate that matters are going from bad to worse and that we should, therefore, consider the matter from a purely non-communal point of view. Raja Sahib has moved this amendment with a view to benefit a particular class of people but he has ignored the fact that in the Punjab there are already thirteen districts where the average holding of a zamindar is uneconomic.

Mr. President: What is the honourable member driving at?

Chaudhri Afzal Haq: I am submitting that when the zamindars of these districts already cannot make their two ends meet, any attempts at realising their debts are not likely to succeed. (*Honourable members*: Please finish soon). With these words I oppose the amendment.

The Honourable Mr. D. J. Boyd : Sir, I move—

That the question be now put.

The motion was carried.

Diwan Bahadur Raja Narendra Nath : If expropriation were to justify repudiation of debts there ought to be no insolvency procedure. Why is insolvency allowed in civilised countries? The civilised countries allow insolvency in the sense that if the debts have become too heavy and if the property of the debtor is not sufficient to cover the debt, the debtor comes to court and says: Here is all my property before you, you settle the matter. Expropriation is no justification for the repudiation of debts. *(Interruption)* I do not consider the Land Alienation Act to be sacrosanct. I do not subscribe to the policy which underlies the law in the manner in which my friends do and, therefore, it is no use saying that the Land Alienation Act is attacked. It is a human measure and like all other human acts, as human beings are fallible, it is liable to be attacked.

Then in season and out of season I have heard the remark, in fact *ad nauseum* that conditions of this province owing to the Land Alienation Act are different from the conditions of the other provinces and, therefore, what holds good in other provinces need not be adopted. Why do you enact this law? Why are you afraid of not doing anything which will not meet the demands of the debtors? You want a measure for the relief of debtors because other provinces have it. Then follow the other provinces in every respect. I know, as I said at the very beginning, that this amendment is not likely to be accepted but I moved it to relieve my own conscience. With these words I resume my seat.

Mr. President : The question is—

That in clause 17, sub-clause (2), the following words be added at the end:—

“ and shall be executed regardless of the provisions of section 16 of the Land Alienation Act.”

The motion was lost.

Mr. President : The question is—

That clause 17 as amended stand part of the Bill.

The motion was carried.

New clause.

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan, Rural) : Sir, I beg to move—

That the following be added after clause 17—

“The board shall in all cases allow a secured creditor to realise his dues from the security and shall only treat him as a creditor for the purposes of this part for any amount due in excess of the value of the security.”

This amendment is almost self-explanatory and I am not going to waste the time of the House in lengthy argument. I would only add that since the House has been pleased to endow the conciliation boards with a jurisdiction extending over Rs. 10,000 or even amounts exceeding that figure and also to extend the scope of these boards to urban areas, it is but proper that a clause of this kind should be added. How unfair would it be that monies advanced on the security of property for the last, say, twenty years should be unsettled and creditors should be deprived of their security. This fact

alone is sufficient to carry home the inequity of the law which is being adopted. I would only draw the attention of the House to the utter inequity involved in the matter and stop at that.

Mr. President : New clause proposed—

That the following be added after clause 17 :—

“The Board shall in all cases allow a secured creditor to realise his dues from the security and shall only treat him as a creditor for the purposes of this part for any amount due in excess of the value of the security.”

The Honourable Mr. D. J. Boyd (Finance Member) : The Government cannot accept this amendment, partly because of its wording. The amendment says “the board shall in all cases allow a secured creditor.” What business has the board to allow anything ? The business of the board is to register the agreement which has been come to between various parties. It passes no decree, it does not say that people shall do this or may do this, or shall not do this or may not do this. Therefore the form of this amendment seems to be wrong. Its intention seems to me to be already served by the drafting of the Bill and I think that a secured creditor is in a perfectly safe position. I admit that this is a question on which the Legal Remembrancer is much more competent to speak than I, but so far as I am aware the law is this. From clause 19 (8) it will be observed that a secured creditor is not prevented even by a certificate from suing in a civil court. By clause 20 (a) (i) it is true that civil courts may not question the validity of any procedure or the legality of any agreement made under this Act, but I take it that it does not in any way affect the rights of a third party who is not a party to an agreement made under section 17. Therefore the secured creditor in accordance with the wording of clause 19 is entitled to come into court to enforce his claim against the security. I am further informed that it does not matter in law whether a mortgage is merely a collateral mortgage or a mortgage with possession. On this subject I am considerably ignorant and I am open to correction. But I understand that the difference between collateral mortgage-ar-rahn—and mortgage with possession is purely incidental, that is to say, possession is simply an incident of a mortgage ; so that, while the mortgagee in possession can most obviously assert his rights against third parties, so, equally can a mortgagee with merely a collateral mortgage assert his rights against third parties. It seems to me therefore, if the law has been correctly explained to me, that the secured creditor will retain his secured position and there is no need to amend the Bill in order to make him safer.

Mr. President : The question is—

That the following be added after clause 17 :—

“The Board shall in all cases allow a secured creditor to realise his dues from the security and shall only treat him as a creditor for the purposes of this part for any amount due in excess of the value of the security.”

The motion was lost.

Clause 18.

Mr. President : The question is—

That clause 18 stand part of the Bill.

The motion was carried.

New clause.

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan, Rural): Sir, I beg to move—

That the following clause be added after clause 18—

If once an application has been made by a debtor and disposed of no second application shall lie within three years of the date of dismissal of the first application.

Honourable members will remember that the conciliation board is competent to dismiss applications only in very rare cases, only in cases where the board is satisfied that the application is not made in good faith. I propose this addition to the clause in order to provide against a debtor abusing his right to go to the conciliation board again and again after his application has once been dismissed. He should not be allowed to file another application within three years after his first application has been dismissed. The clause is intended as a safeguard against frivolity.

Mr. President : New clause moved is—

If once an application has been made by a debtor and disposed of no second application shall lie within three years of the date of dismissal of the first application.

The Honourable Mr. D. J. Boyd : If the honourable mover of the amendment will agree to make it 'two years' I think Government can accept it.

Mr. Labh Singh I accept the change suggested by Government as non-acceptance would mean the rejection of the amendment.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban): I think the object of the Bill is to encourage people to seek the assistance of the conciliation boards. By fixing a time limit in this way, that is, by providing that no second application will lie within two or three years after the first is dismissed, we would be shutting the door of the conciliation board. Supposing to-day the creditors and the debtor cannot come to a settlement before the conciliation board, it is possible that after three or six months or a year the debtor by some fortuitous or other circumstance be in a position to come to some settlement with the creditors. He may be prepared to make a greater sacrifice and be prepared to offer better terms to the creditors. Would it not then be detrimental both to the creditors and the debtor if we fix this period of two or three years within which no second application to the board can lie? I think that by adopting the amendment we would rather be putting a block in the way of conciliation and I would, therefore, request the Honourable Finance Member to reconsider the Government position. There should be no obstacle put in the way of the creditors and the debtor coming to a settlement at any time. The amendment will not help either the debtor or the creditors. It will be an absolutely useless provision. I hope Government will, therefore, reconsider its position and oppose this amendment.

The Honourable Mr. D. J. Boyd (Finance Member): I may perhaps reply to the honourable member from Sargodha even now. The position is this. As soon as an application is put before the conciliation board all pending suits are stayed. Now it would be possible for a fraudulent debtor to put in a succession of applications before the conciliation board and keep all civil suits from being heard for ever, unless we have some provision limiting the power to put in successive applications. In order to meet the point

raised by the honourable member opposite we have fixed the limit within which no second application can be filed as short as possible. I think two years is a sufficiently short period.

Rao Bahadur Chaudhri Chhotu Ram (South-East, Rohtak, non-Muhammadan, Rural): There is just one thing to which I may draw the attention of Government members. We have passed the addition of a new clause to-day, to the effect that conciliation boards will be in a position to dismiss any application at any time they please. I fear the addition of this new clause has escaped the notice of honourable members and of the Government. Having invested conciliation boards with that power, is it reasonable to put any further obstacles in the way of an amicable settlement being arrived at before these boards? After all, if a debtor puts any further application and is unable to disclose any valid grounds, is there any reason to suppose that a conciliation board will accept that application? It can and will dismiss it at once. On that ground the addition of this clause becomes entirely uncalled for. Personally I feel that Government has not been able to take a comprehensive view of the Bill as a whole as it stands at present. Probably the attitude of the member in charge of the Bill is based upon his views of the Bill as it was before to-day. Having once inserted a clause that conciliation boards will have power to dismiss applications at any stage, the addition of the new clause now proposed becomes entirely redundant. (*Interruption*). There is just one thing I may be allowed to add to explain the true meaning of Government's attitude—

مردم کو نباید نار از قوت است

دعوی او به نیاز از حجت است

Government knows that by adding 20 or 25 of its own votes to the other side it is absolutely sure of a victory. But it ought to listen to reason. Probably it is on account of the weight of numbers on that side that the Government is not prepared to listen to reason.

The Honourable Dr. Gokul Chand Narang (Minister for Local Self-Government): One thing that seems to trouble the honourable member from Sargodha (Shaikh Abdul Ghani) is that if once the application of a debtor is dismissed he should not be prevented from going to the conciliation board if he likes after three months or six months when he comes to good fortune or wins some lottery or something of that sort. But I may point out that if he has a genuine case like that he can ask a creditor with whom he wants to settle to put in an application to the conciliation board. That will solve his difficulty. This power sought in the amendment is only against the debtor going to the conciliation board again and again.

Pir Akbar Ali (Ferozepore, Muhammadan, Rural): I may submit that if Government agrees to be neutral in this respect, the two parties can settle between themselves whether the period should be six months or one year. But if Government wants to interfere in this respect I think it would be impossible to have a compromise between the two sides. I, for my part, would submit that one year would be a fair period of interval.

✓ **Rao Bahadur Chaudhri Chhotu Ram**: Will one year be acceptable?
The Honourable Mr. D. J. Boyd: It is too short an interval and three years a bit too long. Two years is a fair compromise.

Mr. President : The question is—

That the following clause be added after clause 18—

“ If once an application has been made by a debtor and disposed of no second application shall lie within two years of the date of dismissal of the first application.”

The Council divided: Ayes, 35 ; Noes, 28.

AYES.

Anderson, Mr. J. D.
Askwith, Mr. A. V.
Bansi Lal, Chandhri.
Beant Singh, Sardar Sahib Sardar.
Bhagat Ram, Lala.
Bourne, Mr. F. C.
Boyd, The Honourable Mr. D. J.
Chetan Anand, Lala.
Fazl Ilahi, Khan Sahib Shaikh.
Ferguson, Mr. J. A.
Firoz Khan Noon, The Honourable Malik Sir.
Garbett, Mr. C. C.
Gokul Chand Narang, The Honourable Dr.
Gopal Das, Rai Sahib Lala.
Grindal, Mr. A. D.
Hearn, Mr. J. W.
Labb Chand, Mehra, Rai Sahib Lala.
Labb Singh, Mr.

Latifi, Mr. A.
Lekhwati Jain, Shrimati.
Macfarlane, Mr. D.
Mamraj Singh Chohan Kanwar.
Manohar Lal, Mr.
Marsden, Mr. P.
Mukand Lal Puri, Mr.
Narendra Nath, Diwan Bahadur Raja.
Nathwa Singh, Chaudhri.
Nur Elahi, Khan Bahadur Shaikh.
Pancham Chand, Thakur.
Rahim Bakhsh, Maulvi Sir.
Ramji Das, Lala.
Roberts, Mr. W.
Sewak Ram, Rai Bahadur Lala.
Sheo Narain Singh, Sardar Bahadur Sardar.
Sikander Hyat-Khan, The Honourable Capatin Sirdar Sir.

NOES.

Abdul Ghani, Shaikh.
Afzal Haq, Chaudhri.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Akbar Ali, Pir.
Allah Dad Khan, Chaudhri.
Arjan Singh, Sardar.
Bahadur Khan, Sardar.
Bishan Singh, Sardar.
Buta Singh, Sardar Bahadur Sardar.
Chhotu Ram, Rao Bahadur Chaudhri.
Faqir Husain Khan, Chaudhri.
Habib Ullah, Khan Bahadur Sardar.
Haibat Khan, Daha, Khan.
Mubarak Ali Shah, Sayad.
Muhammad Eusoof, Khwaja.

Muhammad Hasan, Khan Sahib Makhdum Shaikh.
Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
Muhammad Raza Shah Gilani, Makhdumzada Sayad.
Muhammad Sarfaraz Ali Khan, Raja.
Muhammad Yasin Khan, Chaudhri.
Noor Ahmad Khan, Khan Sahib Mian.
Nurullah, Mian.
Ram Sarup, Chaudhri.
Riasat Ali, Chaudhri.
Sampuran Singh, Sardar.
Ujjal Singh, Sardar Sahib Sardar.
Zaman Mebdi Khan, Khan Bahadur Malik.

Clause 19.

The Honourable Mr. D. J. Boyd (Finance Member) : I move :—

That to clause 19, sub-clause (1), the following words shall be added :—

Provided that the board shall not grant a certificate unless the board is satisfied that creditors to whom not less than forty per centum of the debtor's debts are owing have come to an amicable settlement with the debtor.

Sir, the reason for this amendment is, I think, fairly obvious. Clause 19 of the Bill contains very severe penalties indeed against creditors whose debts are certificated and these penalties should only apply under proper safeguards. The possibility of a collusive agreement was mentioned in connection with clause 17 of the Bill and while I think that conciliation boards will be on their guard against such things as collusive agreements, we must at the same time see that the penalties which are provided by our legislation shall not be liable to imposition in an unfair way. If a few creditors come to a collusive agreement with a debtor which might be an agreement of a very specious kind and which would look to the board to be a very fair and reasonable agreement, then the possibility, if not the probability, is that the board would consider that the creditors who had refused to join in a similar agreement were acting unfairly or unreasonably and would certify their debts. The only guarantee against such collusion is to provide that creditors to whom a sufficient percentage of the debtors' debts are owed shall join in the agreement. The percentage which Government originally provided was 60. After hearing what the select committee had to say on the subject, Government was ready to reduce this percentage somewhat and we are now prepared to accept 40 per cent. But I should make it very clear indeed that unless creditors representing 40 per cent. of the debts owing join in an agreement, Government can never consent to this process of certification without which I think the working of conciliation boards is going to be very difficult and if this amendment is not carried somehow or other, I very strongly doubt whether this Bill will ever become law. I am not saying this by way of threat but so that the position of the Government may be perfectly clear and members may act on that understanding.

Mr. President : Clause under consideration, amendment moved :

That to clause 19, sub-clause (1) the following words shall be added :—

Provided that the board shall not grant a certificate unless the board is satisfied that creditors to whom not less than forty per centum of the debtor's debts are owing have come to an amicable settlement with the debtor.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : Sir I beg to move :—

That in clause 19, sub-clause (1) the following be added :—

Provided that the board shall not grant a certificate unless the board is satisfied that creditors to whom not less than sixty per centum of the debtor's debts are owing have come to an amicable settlement with the debtor.

If penalties are going to be imposed, I think it is only fair that a major portion of the debt should be settled and creditors of only a minor portion should be penalized. That is the only argument that I have got to advance and I think that this is strong enough. The amendment which I propose is exactly a repetition of the provision as it existed in the original Bill.

[D. B. Raja Narendra Nath.]

If recusant creditors are going to be penalized creditors of a major portion of the debt must be settled with before the penal provision is enforced.

Mr. President : Clause under consideration, amendment moved :

That in clause 19, sub-clause (1), the following be added :—

Provided that the board shall not grant a certificate unless the board is satisfied that creditors to whom not less than 60 per cent. of the debtor's debts are owing have come to an amicable settlement with the debtor.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadan, Rural) : In order to encourage the debtors and creditors to come to a settlement the present Bill provides two incentives. One is that if an agreement has been authenticated by a conciliation board it takes effect as a decree and when once it has taken effect as a decree the result is that any other decree that may be outstanding against the debtor or any decrees that may be obtained in a civil court at some future time will be deferred for the purpose of execution till the execution of the agreement which has been arrived at between a creditor and a debtor. The second incentive to bring the parties together is that under certain conditions a conciliation board will issue certificates in respect of certain debts. The conditions of issue of these certificates are that a debtor should have made an offer which would appeal to a conciliation board as a reasonable offer and that offer must have been rejected by creditors. In that event the conciliation board will proceed to issue certificates in respect of the debts owed to creditors who have refused to accept a fair offer. Now with these two incentives before them, creditors may be expected to come to a reasonable settlement with debtors. But if the force of either of these two incentives is weakened to the same extent the usefulness of the Bill will be reduced. In clause 17 a proviso has been added to the effect that if the period fixed in an agreement arrived at between a debtor and a creditor for payment of the money due is excessive in the opinion of the conciliation board the effect of the postponement of execution of decrees will not follow. Therefore one of the incentives has been definitely and deliberately weakened by the addition of this proviso here. As a result of this in the place of there being two incentives to induce a creditor to come to terms, there is now left only one and-a-half, one in full and the other weakened and diluted. Now a conciliation board may hold an ordinary settlement fixing a certain number of years for payment to be long, when it is really not long. A good deal will really depend upon the individuals who compose a conciliation board. The personal factor is really the determining factor in these matters. A chairman drawn from the central parts of the province may regard a period of even 4 or 5 years as unduly long for the payment of a debt of Rs. 1,000 while in the south-eastern districts this period will not at all be regarded as excessively long. There may be certain districts in which it is not customary among the creditors and debtors themselves to regard a period of ten years as excessive. Therefore if you empower conciliation boards to reject agreements arrived at amicably between debtors and creditors on the ground of a certain period being excessively long then there is a very serious danger of this legislation being thwarted unless the composition of boards is very satisfactory from the debtors' point of view. There is a real danger of this part of the Bill becoming nullified. Now, I can reasonably maintain that by giving this power we have

deliberately and definitely weakened the incentive with regard to postponement of execution of decrees. The second incentive was, however, intact. It was that if a conciliation board certifies a debt then the creditor who refuses to accept a fair offer will lose his cost of suit and will not be able to claim interest from that date in excess of 6 per cent. We are going to weaken this incentive also by inserting the present clause that unless creditors to whom not less than 40 per cent. of debts are due come to a settlement with a debtor no certificate will be issued. By these two changes we shall have practically run through the wholesome provisions which Government originally meant to make for the effective functioning of these conciliation boards. I really fail to understand how a conciliation board is going to function at all if we insist upon this provision being inserted in the Bill. No less than 40 per cent. of the debts must be proved to have been owing to creditors who have come to a settlement. What will happen is this. A debtor will make an application before a conciliation board, notices will be issued to the creditors on the next day of hearing the debtor will be examined, the creditors will be examined, and then there would probably be a further date for the production of account books. The debtor will say I owe Rs. 50 to one of my creditors, Rs. 100 to another and Rs. 200 to a third. The non-consenting creditors in order to oust the jurisdiction of these conciliation boards will say, "No, he is wrong". The man to whom the debtor admits being indebted to the extent of Rs. 50 will say, that the debtor owes him Rs. 200, the man to whom the debtor admits he owes Rs. 100 will say "No, his debt is Rs. 500" and the third will say "No, his debt is Rs. 800." Now, will not the conciliation board have to decide first the amount of debts that are due to certain creditors against a particular debtor? And if you impose on your conciliation boards this huge task of finding out exactly the amounts due from a certain debtor to various creditors as a condition precedent, will it serve any useful purpose to institute these boards? They will have already undergone infinite trouble in ascertaining whether creditors to whom not less than 40 per cent. of the total debts are due have come to a settlement with the debtor. There may be a dispute between the creditor and the debtor as to the exact amount of debts owed to the creditor. What will happen then is, that in respect of each item the conciliation board will have to take evidence to be produced by both sides. And suppose at the end it comes to the conclusion that the condition precedent has not been fulfilled, all this trouble will have been undergone for nothing.

The Honourable Mr. D. J. Boyd : One can provide for all this in the rules.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** In any case, conciliation boards will have to come to a definite conclusion as to what is the proportion of the debts of the creditors who have come to a settlement with a debtor. And that means infinite amount of waste of precious time.

Mr. Mukand Lal Puri : In any case that has to be done. You will not accept the statement of the creditors.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** No. You cannot afford to accept any statement unchecked. When an allegation is made by one party and it is not accepted by the other there will have to be issues and there will have to be evidence on that issue and so much time of the boards and so much

✓[R. B. Ch. Chhotu Ram.]

time and money of the parties will have to be wasted. That is one very serious defect which I see arising after the insertion of this clause. Then, again, why is Government afraid of the clause as it stands? I think Government is really afraid of shadows. Having instituted conciliation boards and having the composition of conciliation boards in its own hands, the Government is not prepared to trust them. If we just go through the wording of the clause we find that it reads as follows :—

Where during the hearing of any application made under section 9, any creditor refuses to agree to an amicable settlement, the Board may, if it is of opinion that the debtor has made such creditor a fair offer which the creditor ought reasonably to accept, grant the debtor a certificate, in such form as may be prescribed, in respect of the debts owed by him to such creditor.

Here three conditions require to be fulfilled before a certificate can be issued. There should be a fair offer made by the debtor. That offer must have been accepted as reasonable by the conciliation board. And that fair offer must have been refused by a creditor. A board will consist of one chairman who will probably be an experienced officer or at least a man of a good deal of experience of life, possessing a respectable social status and position. He will be assisted by two other members who will be selected by the officers of Government with care, and may be presumed to be respectable and responsible persons. With that composition of a conciliation board, why should Government be afraid of their coming to a wrong conclusion? The offer will be made in their presence; they will know exactly what the conditions are; they will know what the assets of the debtor are and they will also know his liabilities and having a precise knowledge of his assets and liabilities they may certainly be expected to come to a correct conclusion as to the offer made by a debtor being fair or unfair, reasonable or unreasonable. If, under the circumstances, the offer of the debtor is regarded by the conciliation board as not fair they will refuse to issue a certificate. This is not all.

If the conciliation board comes to a conclusion that the offer is a fair one, a reasonable one and it has been unreasonably refused by a creditor, even then it is discretionary for the conciliation board to issue a certificate or to refuse to issue a certificate. The word used here is "may." The conciliation board is under no obligation to issue a certificate even if it comes to a conclusion that a reasonable offer has been unreasonably refused by a creditor. In the select committee we had proposed an amendment that the word "may" should be replaced by the word "shall", because if the conciliation board comes to a conclusion that a fair and reasonable offer has been refused by a creditor, why should the conciliation board have any discretionary power to refuse to issue a certificate? But after having heard the arguments put forward by the representatives of urban interests and by official members we agreed to have the word "may" retained as it was in the clause. Under these circumstances I do not see why Government should be afraid of certificates being issued wrongly or unreasonably by conciliation boards. In the first instance I believe that unreasonable offers will be held by the conciliation board as unreasonable and the question of the issue of a certificate does not arise. Secondly it is only when the offer has been accepted by the conciliation board to be fair and reasonable that they will be in a position to exercise their power of issuing certificates. And even then, it lies within their discretion to say either yes or no. Suppose there-

has been an offer which they consider to be reasonable and fair and the creditor gives some sort of a reason which appeals to them or they feel that the offer is a border offer, even then they can refuse to issue a certificate. With the arguments which I have put forward in respect of the weakening of the first incentive and the weakening of the second incentive and the power of the conciliation boards being only discretionary, I feel that Government is not right in insisting upon the insertion of this fresh clause. Therefore I oppose the amendment moved by the Honourable Member in charge of the Bill.

Mr. President : The question is—

That in clause 19, sub-clause (1), the following words be added :—

Provided that the board shall not grant a certificate unless the board is satisfied that creditors to whom not less than 40 per centum of the debtor's debts are owing have come to an amicable settlement with the debtor.

The Council divided : Ayes, 35 : Noes, 26.

AYES.

Anderson, Mr. J. D.	Lekhwati Jain, Shrimati.
Askwith, Mr. A. V.	Macfarlane, Mr. D.
Beant Singh, Sardar Sahib Sardar.	Mamraj Singh Chohan, Kanwar.
Bhagat Ram, Lala.	Manohar Lal, Mr.
Bourne, Mr. F. C.	Marsden, Mr. P.
Boyd, The Honourable Mr. D. J.	Mayadas, Mr. Ernest.
Chetan Anand, Lala.	Mukand Lal Puri, Mr.
Fazl Ilahi, Khan Sahib Shaikh.	Narendra Nath, Diwan Bahadur Raja.
Ferguson, Mr. J. A.	Nathwa Singh, Chaudhri.
Firoz Khan Noon, The Honourable Malik Sir.	Nur Elahi, Khan Bahadur Shaikh.
Garbett, Mr. C. C.	Pancham Chand, Thakur.
Gokul Chand Narang, The Honourable Dr.	Rahim Bakhsh, Maulvi Sir.
Gopal Das, Rai Sahib Lala.	Ramji Das, Lala.
Grindal, Mr. A. D.	Roberts, Mr. W.
Hearn, Mr. J. W.	Sewak Ram, Rai Bahadur Lala.
Labh Chand Mehra, Rai Sahib Lala.	Sheo Narain Singh, Sardar Bahadur Sardar.
Labh Singh, Mr.	Sikander Hyat-Khan, The Honourable Captain Sirdar Sir.
Latifi, Mr. A.	

NOES.

Abdul Ghani, Shaikh.	Chhotu Ram, Rao Bahadur Chaudhri.
Afzal Haq, Chaudhri.	Faqir Husain Khan, Chaudhri.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Habib Ullah, Khan Bahadur Sardar.
Akbar Ali, Pir.	Haibat Khan Dahi, Khan.
Allah Dad Khan, Chaudhri	Mubarak Ali Shah, Sayad.
Arjan Singh, Sardar.	Muhammad Eusooof, Khwaja.
Bahadur Khan, Sardar.	Muhammad Hasan, Khan Sahib.
Buta Singh, Sardar Bahadur Sardar.	Makhdum Shaikh.

[Mr. President.]

Muhammad Hayat Qureshi, Khan Bahadur Nawab.	Nur Khan, Khan Sahib Risaldar Bahadur.
Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.	Ram Sarup, Chaudhri.
Muhammad Sarfaraz Ali Khan, Raja.	Riasat Ali, Chaudhri.
Muhammad Yasin Khan, Chaudhri.	Sampuran Singh, Sardar.
Noor Ahmad Khan, Khan Sahib Mian.	Umar Hayat, Chaudhri.
	Zaman Mehdi Khan, Khan Bahadur Malik.

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

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General): Sir, I beg to move—

That in clause 19, sub-clause (1), the following be added:—

Explanation.—‘Fair offer’ shall mean capital determined after an examination of accounts made under proviso (i) of section 3 (1) (iii) of the Usurious Loans Act of 1918 plus interest calculated with due regard to section 5 of this Act.

My friend the Leader of the Unionist Party sometimes distrusts the conciliation boards and at other times he trusts them.

5 P.M.

The personnel of the conciliation board is not yet known. We do not know whether either the chairman or the members will be men of judicial experience, well versed in examining accounts. I therefore think that clear guidance should be laid down in the Act for their procedure. ‘Fair offer’ is a very vague term and the way in which I propose to define what fair offer should be appears to me to be very reasonable and moderate and I hope that the explanation will commend itself to the House.

The Usurious Loans Act as it stands without any amendment which this Bill has made authorises the courts to examine accounts for a period of twelve years. If the principle is traced to twelve years back, surely it would be a very moderate amount. The rate of interest which I think should be guaranteed is 6 per cent. It is lower than the rate of interest which my friend Mr. Roberts’ amendment proposed and which has been passed by the House and I think it would be of advantage to all to clearly explain what ‘fair offer’ means and what fair offer should be. Otherwise if there are more boards than one in a district area or in different areas one board will act upon one principle and another board will act upon some other principle. I therefore think that it is necessary to give clear instructions to boards as to how they should proceed and how they should calculate that fair offer, the refusal of which exposes the creditor to grave penalties. This fact has been admitted by the Honourable Mover of the Bill and I hope this amendment will not be rejected by the Council.

Mr. Deputy President: Clause under consideration, amendment moved:

That in clause 19, sub-clause (1), the following be added:—

Explanation.—‘Fair offer,’ shall mean capital determined after an examination of accounts made under proviso (i) of section 3 (1) (iii) of the Usurious Loans Act of 1918 plus interest calculated with due regard to section 5 of this Act.

Chaudhri Riasat Ali (Gujranwala, Muhammadaan, Rural): I rise to oppose this amendment. We have already, in this House passed an amendment moved by the Honourable Mover of the Bill that no settlement should be possible unless creditors to whom not less than 40 per cent. of the debt is due come to an amicable settlement with the debtors.

The Honourable Mr. D. J. Boyd: No debt should be certified.

Chaudhri Riasat Ali: Any way, we have already limited the scope of the Bill and we have limited the number of cases in which an amicable settlement is possible. There is also another amendment by Mr. Puri to add the word 'unanimously' in clause 19, sub-clause (1), line 6, before the word "of opinion". Again this also goes to limit the number of cases in which a settlement is possible. Now, if we agree to this amendment, I think we will again be limiting the number of cases and the object of the Bill will be marred and no relief in reality will be possible, though there be some in theory. The Bill will be merely a dead letter like so many other Acts in our province, like the Regulation of Accounts Act, or the Juvenile Smoking Act or the Sarda Act. All these provisions have remained a dead letter and they have not been worked on account of one reason or another. (*An honourable member*: What about the Pure Food Act?) That is a dead letter too, you can go on adding to the number. If we agree to this amendment, we will be making nice distinctions and we will be going against the principle already made clear by the Honourable Finance Member and in a way we will be fettering the discretion of the boards. As he has remarked members of the conciliation boards are not supposed to be 'a set of fools' and I think it is more advisable that we should leave in their hands to decide each individual case as to what is a fair offer in a certain case. A fair offer in one case, according to the merits, may not be a fair offer in another case. So it is very difficult to define these fine limits and it will be advisable if we leave these things to the good will and to the discretion and better understanding of the conciliation boards themselves. With these words I oppose the amendment.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadian, Rural): Sir, I oppose this amendment. I think Raja Sahib ought to know by this time that if his definition of 'fair offer' is accepted then relief becomes really impossible. He simply means to say that the whole amount of the principal with interest at 18½ per cent. should be awarded to a creditor and if the amount offered falls short of this amount the offer should be regarded as not fair. If this is the correct interpretation of the amendment of Raja Sahib, I feel that this Bill will fulfil no useful purpose whatsoever after the insertion of this amendment and it had better be withdrawn. Again, as was argued by Chaudhri Riasat Ali 'fair offer' will be different in different cases. You cannot lay down one uniform principle as to what is a fair offer and what is not a fair offer. Now a man may have been an *assami* under a *sahukar* for twenty years, he may have paid in the shape of interest perhaps four times the principal which was lent originally. In his case 'fair offer' may mean four annas in the rupee, three annas in the rupee, two annas in the rupee or even one anna in the rupee. But suppose there is another case in which cash was advanced to a debtor, say, only two years ago when the prices of crops were on the same level as they are to-day,

✓ [R. B. Ch. Chhotu Ram.]

and the creditor has not received much in the shape of interest. Certainly a 'fair offer' in his case will be different from a 'fair offer' in the case of a man who has been in debt for twenty years and has been paying something by way of interest from year to year. The total amount which may have been paid by the man who has been in debt for twenty years may have exceeded the principal by three or four times. Thus you cannot lay down one uniform measure for a 'fair offer' in every case.

Take another instance. One debtor is the sole male member of his family. He is old, he is decrepit, he has *barani* land, he has no helpers in his agricultural profession. Certainly a 'fair offer' in his case will be different from a 'fair offer' in the case of a man who owns 200 acres of irrigated land, has half a dozen adult members in the family to work for him or with him. Then take another instance, the instance of a man who is a debtor but has two of his sons in civil employ and two of his sons or nephews or grandsons living in the same family under the same roof in military service. Can any one say that a 'fair offer' in his case will be the same as a 'fair offer' in the case of an old decrepit fellow who owns 20 acres of *barani* land in some sandy part of the district of Hissar? Therefore, to lay down one general measure for determining what offer will be regarded as fair or unfair is entirely useless. The thing ought to be left to the discretion of conciliation boards. They will have all the relevant circumstances before them and in the light of those relevant circumstances they will be able to judge whether the offer made by a debtor is a fair offer or not. Certainly the definition of 'fair offer' given in the amendment moved by Raja Sahib is one which gives absolutely no relief to a debtor under any circumstances.

Sardar Sampuran Singh (Lyallpur, Sikh, Rural): When Raja Sahib proposed this amendment, he perhaps forgot this fact that this is an extraordinary piece of legislation (*Diwan Bahadur Raja Narendra Nath*: But not an unreasonable piece of legislation), to meet extraordinary circumstances, and when proposing this amendment he seems to be presuming that the people are in a position to meet all their liabilities; while we from the very beginning presume that the people, in whatever condition at present they are, are unable to meet their liabilities and somehow or other debts have to be adjusted and consequently this extraordinary measure of legislation has been proposed. In these circumstances it is too much to expect that the people will be able to pay their whole capital with interest at the rate proposed by Raja Sahib. If we were to pass this amendment, that would practically mean that this enactment is going to be a dead letter. Therefore, I would submit that this is practically nullifying the whole effect of this Bill if we pass this amendment and in these circumstances I would strongly oppose this amendment.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban): I do not think that this is an amendment which can be accepted.

Diwan Bahadur Raja Narendra Nath: What is your idea of a 'fair offer'?

Shaikh Abdul Ghani: My idea is that it is a very clever amendment. If you read carefully this amendment, you will find that the proposal is that the conciliation boards should be engaged in determining the capital,

after an examination of accounts has been made under the provisions of the proposed law. If they have to apply certain principles of this very Bill which is being enacted into law to determine what interest accrues on this principal amount, then that original amount *plus* the interest calculated according to the provisions of this Bill is to form the basis of the offer and this in no case can be reduced. What it comes to is this that if a creditor has to go to a civil court and to lodge his suit, what the civil court after the passing of this Act would do is to be done by the conciliation boards not only with respect to one creditor but with respect to ten, twenty, fifty or as many creditors as there are in the case of a particular debtor. The object is to render the task of the conciliation boards hopeless and impossible and of civil courts nugatory. This is, I would say, rather a novel amendment and that is why, as I got up, Raja Sahib enquired, 'What is your idea of the amendment?' Their meaning lies hidden too deep of course. This amendment will render the whole thing hopeless, ambiguous and absolutely impossible. If we adopt this provision the Bill will become a mockery.

Mr. Mukand Lal Puri (Punjab Industries): The apprehension which exists in the minds of Rao Bahadur Chaudhri Chhotu Ram and Shaikh Abdul Ghani is this, that this definition of a fair offer is necessarily to be the basis on which conciliation is to proceed. That is not so. Of course the decree that will be passed by the conciliation board will depend upon the agreement between the debtor and the creditor. No agreement or proposal, however fair, can form the basis of a decree under the provisions of the conciliation board unless it is assented to by the debtor. Therefore, there is no danger in this case of any debtor being made to pay more than what he wishes to pay. What then is the object of the definition of the expression 'fair offer'? The Honourable Finance Member was pleased to remark that if there is one feature of these provisions which requires to be carefully safeguarded that feature is the provision imposing penalties against the creditors and those penalties as is well known include the writing off of the debt. Before it is laid down that the creditor's dues are to be wiped out, all that is necessary is that he should insist upon demanding what under the present provisions of the Usurious Loans Act he is held to be entitled. If a person wants his capital and a reasonable amount of interest, not an extortionate amount of interest, even if the conciliation board is not prepared to give him all that he wants, at least he should not be penalised. Is this asking for anything unreasonable? It is not proposed to ask the debtor to accept the statement of accounts of the creditor or ask him to pay anything. But, is not the creditor justified in asking, 'Judge me by any reasonable standard, any standard which you may fix, and if judged by that standard my offer does not appear unreasonable, am I wrong in asking you not to penalise me?' The conciliation board may not provide special facilities for the repayment of the debt, but it need not dub the creditor a scoundrel if according to the standard of the conciliation board he is not unreasonable. The whole object of the amendment has been entirely misunderstood or misdescribed. This amendment is merely intended to mitigate the penal clause if according to the standard which the House may fix the creditor refuses to accept a fair offer.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural): I rise to oppose the amendment under consideration. The

[Chaudhri Allah Dad Khan.]

argument which the honourable member for Industries has put forth are very plausible indeed. He says that fair offer is only a basis for granting a certificate. If there is no fear of the conciliation board granting a certificate why should the creditor come to an agreement at all with the debtor? There is a chance that he will forego a portion of his capital or his capital and interest and he will never come to a settlement if there is no fear of a certificate being granted. But, if the amendment is accepted there will be no inclination on the part of the creditor to come to a settlement because he is sure that he will not have to forego anything of his capital and interest. It is therefore clear that this amendment is intended to nullify the provisions of this measure relating to conciliation boards. If this amendment is adopted the conciliation boards will not at all work. I am sure the other side is attempting to throw dust in the eyes of members on this side of the House. I do not think the Government consistently with the object which it has before it in passing this Bill will support the amendment. With these words I oppose the amendment.

Diwan Bahadur Raja Narendra Nath : I just want to say a few words. I think my friends are misjudging the wise counsel and a friendly counsel too. It reminds me of an old Persian verse which I read as a boy.

آنچه تو کردی است با خود هیچ دیرانه نه کرد
در میان خانه نم کردی است صاحب خانه را

(Hear, hear). I shall invite your attention to the grounds which have been covered. First of all the House has agreed that payment of the decree cannot be assured. My proposal for the realisation of the decree and the method of realisation has been negatived by the House. There is, therefore, no hope of recovery of the decreed amount which the conciliation board may pass. *Secondly*, the House has just passed an amendment to the effect that creditors to whom a certain per cent. of debt is due should agree. Now, if the conciliation board is not to be guided in determining what a fair offer is and if forty per cent. of the creditors do not agree to a settlement, then the conciliation board will come to nothing. The board will become infructuous and will prove a mere mares' nest. I want to make everything definitely clear so that creditors may readily agree to the settlement which the conciliation board may arrive at. If the House does not want this, it is quite welcome to act as it pleases. I have given a friendly advice and if it is not accepted by the party opposite neither I nor my party will be to blame for the consequences.

Mr. Deputy President : The question is—

That in clause 19, sub-clause (1), the following be added:—

"*Explanation.*—'Fair offer' shall mean capital determined after an examination of accounts made under proviso (f) of section 3 (1) (iii) of the Usurious Loans Act of 1918 plus interest calculated with due regard to section 5 of this Act."

The motion was lost.

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

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan, Rural): I beg to move—

That in clause 19, sub-clause (1), the following explanation be added :—

“ For the purpose of determining what is a fair offer the entire property of the debtor shall be taken into consideration.”

If I am assured that this is a superfluous amendment I shall be thoroughly satisfied and will not press it, but will at once ask for leave to withdraw it. But things being what they are, I have thought it necessary to place it before the House. The meaning of this explanation is perfectly clear. It is intended only to exclude certain possibilities which I fear are present and against which the conciliation boards, if they are to function with any degree of fairness must be cautioned. It is intended to invite attention to a state of things something like this. Take the case of a big landlord who owns 10,000 acres of land. He raises a loan of Rs. 10,000 and then asks a friend of his to make an application to the conciliation board. Let us also assume that he borrowed the money for the purpose of adding to his broad acres which he still has in his possession. Unless the conciliation board takes into account the ten thousand acres which he already possessed and also the land which he purchased with the sum of Rs. 10,000 that he borrowed afresh, it would not prevent a serious injustice being done. I hope, Sir, the honourable the Leader of the Opposition who may be said to be in virtual charge of this Bill and who is responsible for the fate of the Bill as also for its final shape which depends more on the Rao Bahadur than on anybody else, will see this point. Does he or does he not agree to this explanation being added to this clause: “ For the purpose of determining what is a fair offer the entire property of the debtor shall be taken into consideration,” irrespective of the fact whether there is some class of property which may not be proceeded against by the creditor, say in the absence of a decree? The difficulty becomes still more aggravated if we remember that all the creditors of a particular debtor who has made an application to the conciliation board may not necessarily be non-agriculturists. Amongst the creditors there may be agriculturists as well as non-agriculturists. Agriculturist creditors are in a favourable position already. They can proceed against the land of the debtor; that is available for the discharge of their debts. But so far as non-agriculturist debtors are concerned, it cannot be touched by them even in the execution of a decree. Therefore in order to avoid confusion it is absolutely necessary that we should put some such explanation after clause 19 (1), as I have suggested.

Mr. President : Clause under consideration, amendment moved :

That in clause 19, sub-clause (1) the following explanation be added :—

“ For the purpose of determining what is a fair offer the entire property of the debtor shall be taken into consideration.”

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) : Sir, I think it will serve no useful purpose if we add this proviso to the clause which the House has already agreed to, because after all it is an indication in one way and it is a very defective indication. We will have to define which property is attachable, which saleable and on which one can lay his hands in payment of a debt and then we will have to see whether the debtor is a member of the notified agricultural tribe or he is merely a debtor living in some urban area and not exempt from the operations of the Land

[**Shaikh Abdul Ghani.**]

Alienation Act. Again this is neither a very decisive nor an exhaustive proviso. When making a decision, the conciliation board will take into consideration all the circumstances of the debtor, his property and everything. Why limit the discretion of the board, merely to this particular fact of the possession of property by a debtor? For instance, if the debtor is infirm, if he is blind, if he is a young man or old or if the debtor is in very good circumstances otherwise without having property and he is drawing a good salary, all these factors will be taken into consideration by the conciliation boards. Why restrict the discretion of the conciliation board to one particular fact and why emphasise this particular feature when there are so many other things to be taken into account? So my submission is that we should not hamper the discretion of the conciliation boards by attaching too much importance to a particular aspect of the question. I think we should leave their discretion unfettered and wide.

Mr. Labh Singh : If it is understood that it is only restrictive and it will only put undue fetters on the discretion of the conciliation board, I am prepared to withdraw my amendment.

The amendment was by leave withdrawn.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) :
I move—

That in clause 19, sub-clause (2), line 9, for the word " or " the word " nor " be substituted.

The object of the clause is to provide for the double penalty contemplated. If the object is clear then my amendment is redundant. But if the House agrees and especially the English-speaking section of the official benches is of opinion that it would be better to make its meaning clearer by substituting the word ' nor ' in place of ' or, ' I think they might very well adopt it.

Mr. President : Clause under consideration, amendment moved :

That in clause 19, sub-clause (2), line 9, for the word " or " the word " nor " be substituted.

The Honourable Mr. D. J. Boyd (Finance Member) : I think the word " no " at the beginning governs both the alternatives and, therefore, the word ' or ' is right.

Shaikh Abdul Ghani : I then beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Mr. Mukand Lal Puri (Punjab Industries) : I beg to move :

That in sub-clause (3) of clause 19 the words " six months " be omitted.

These words occur in the last 3 lines of this sub-clause. It is a penalty which is imposed on a creditor who has been certified under section 19, the penalty being that his decree is not to be executed until all the other debtors are paid of and the payment of creditors in this province especially where the Land Alienation Act is enforced will not be payment as contemplated in the Central Provinces. In the Central Provinces and the United Provinces where the Land Alienation Act is not in force, the persons who have obtained decrees on agreement, will be able to sell property and within a period of six months or a year the entire debts will be wiped out, and in that case it was necessary to fix a period of six months or so and to postpone the

execution of those decrees to that period. But in the Punjab where most of the decrees against agriculturists will be attempted to be satisfied by leases of land which necessarily will be for twenty years or for longer periods it is unnecessary to put in six months. There is no reason why a period of six months should elapse. The effect of my amendment would be that the creditors who are certified will be able to take any remedy available to them as soon as the other creditors have been paid off and they will not have to wait for six months.

Mr. President : Clause under consideration, amendment moved—

That in sub-clause (3) of clause 19 the words "six months" be omitted.

Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural) : I oppose the amendment. The honourable member has lost sight of the provision in clause 17 which has just now been agreed to, i.e., "Provided that the Board is unanimously of opinion that the period fixed for payment is excessive, the Board may refuse to authenticate the agreement." According to this it should be presumed that in no case shall the board fix a period which is unreasonable and an authentication can be refused only on the ground of the period fixed being excessive. So we can safely presume that under these circumstances the period fixed will not be of considerable length. It will be, comparatively speaking, a short period and under these circumstances I think it is quite reasonable to fix a period of six months which should be available to the debtor after the expiry of the period itself. Another reason is that the law of execution as it now stands, I may say without any fear of contradiction, is horrible. The man can be arrested and his property attached, simultaneously. The recent rulings in our province are to the effect that for a debt of even annas eight only both these remedies are available. The law of execution is horrible because both remedies are allowed at once, remedy against the person and remedy against the property. In these circumstances also we should give some time to the debtor after the period fixed for payment has expired, to make arrangements not according to the terms of the agreement, but to pay his debts in the ordinary way, according to the law of the land. A similar provision appears in the Central Provinces Act. Under section 15 (3) of that Act a higher penalty is prescribed for this thing. It reads :—

- (3) Where, after the registration of an agreement under sub-section (2) of section 12, any unsecured creditor sues for the recovery of a debt, other than a debt incurred subsequent to such agreement, in respect of which a certificate has been granted under sub-section (1) or any creditor sues for the recovery of a debt incurred after the date of such registration, any decree passed in such suit shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, not be executed until all amounts recorded as payable under such agreement have been paid or such agreement has ceased to subsist.

That a higher penalty is prescribed is clear. (See the words in italics). We only provide that a further time should be given to the man to set up his programme of paying off his debts. With these words I oppose the amendment.

Mr. Mukand Lal Puri (Punjab Industries) : I am in the unfortunate position of having to support amendments which on a fair and-independent consideration of the proposals one is perhaps not in a position to support. This is not an amendment of any consequence but it is in line with most of the amendments which I have proposed in this House. I have been

[Mr. Mukand Lal Puri.]

trying to restore the original Bill of the Government. My amendment again is one of those unfortunate amendments of a provision which the Government itself proposed, but which was dropped under the influence of the majority. You will find that those 'six months' did not find a place in the original Bill and is a result of an addition made in the select committee and I put it to the House whether the omission of six months was really a penalty which the House wanted to impose upon certain creditors.

Mr. President : Question is—

That in sub-clause (3) of clause 19, the words 'six months' be omitted.

The motion was lost.

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan, Rural): I beg to move—

That in clause 19 sub-clause (3) the words after the word 'until' be omitted, and in their place the following be substituted:—

"Six months have elapsed since the making of the agreement."

My friend the member from Gujranwala has drawn the attention of the House to a section in the Central Provinces Act. This procedure reminds me of blowing hot and cold in the same breath. Whenever we draw the attention of the House to the provisions of the Central Provinces or the United Provinces Acts we are met by a rejoinder that the conditions in the Punjab are different from the conditions in the United Provinces or the Central Provinces, and when we ask what is the difference, we are told that here in this blessed province there is the Land Alienation Act. That measure is so sacrosanct that nothing which directly or indirectly trespasses upon its provisions or seems to the majority to trespass on its provisions is to be adopted. This procedure, I would submit, is on the face of it unfair. My proposal is that such of the creditors who are parties to the agreement should be placed in a position of some advantage over the creditors who hold out. They may realize at least ten per cent., 15 per cent. or more of the debts due to them. The remaining will be left out in the cold. They have already to wait for ten or 20 years before they are allowed to make any attempt to realise their debts. You will be pleased to note that clause 19 says, provided that the board is of the opinion that the period fixed is excessive the board may on that account refuse to authenticate the agreement. Now, we have not anywhere described as to what is excessive. We have given no guidance to the conciliation boards. It is fully known to us that decrees of civil courts which have got to be executed against agriculturists are sometimes executed on usufructuary mortgage which may extend to 20 years. So there is nothing in this Bill or elsewhere which would prevent these agreements covering a period from 20 years upwards, at any rate 20 years is the least we may expect would be covered by these agreements. Would it be reasonable or, conscionable to postpone the remedies which are open to such of the creditors as have not joined the so-called agreement to a period of six months after the lapse of 20 years, i.e., the period provided by the conciliation agreements. I believe one has only to state the position squarely to see the injustice of it. I would submit that it would be fair either to define what is excessive and give some guidance to the conciliation boards or lay down a maximum period of one year, two years, or even three years for the fulfilment of agreements

sanctioned by the conciliation boards, that would be something but if you simply leave the boards to an indeterminate period, they will not be able to put their foot on an agreement unless in their opinion the period provided in the agreement is excessive. Now we can understand the mentality which added the word 'unanimously.' An attempt was made to retain the word 'unanimously' in clause 17 of the Bill. Supposing there are three members of the board, we may assume that one of them at any rate would be unreasonable. We may fairly assume in this province that one at least out of the three may have opinions of fairness and reasonableness which would radically differ from the opinions of fairness and reasonableness of the other two. We may not describe him as unjust or unfair, but we may reasonably assume that at least one of the three members of the Board will have opinions of fairness and justice which would be certainly different from the opinion of fairness and justice of the majority of the Board. That is the reason why the word 'unanimously' was sought to be retained in clause 17. I would, therefore, submit that either we may add to the Bill some explanation as to what is considered excessive or we may accept the amendment which I have moved for inserting certain words, if necessary, after amendment. In the place of six months asked for by me the House may adopt one year or two years, I will have no objection, but some reasonable definition should be given as to which period the board may regard as excessive or not excessive. With these words I beg to move the amendment.

Mr. President : The question is—

That in clause 19, sub-clause (3) the words after the word 'until' be omitted, and in their place the following be substituted :—

"Six months have elapsed since the making of the agreement."

The motion was lost.

Mr. President : The question is—

That clause 19 as amended stands part of the Bill.

The motion was carried.

New clause.

Mr. Labh Singh (Rawalpindi division, and Lahore division, North, non-Muhammadan, Rural) : I beg to move—

That the following be added as a new sub-clause after clause 19 :—

"If a debtor commits a default in paying any amount due in accordance with the terms of an agreement entered into under section 17, such amount shall be recoverable as an arrear of land revenue on the application of the creditor made within 90 days from the day of the default."

If after the entire machinery of the conciliation board has moved, the debtor is found to be behaving in a manner in which he should not behave, there is no earthly reason why the amount of his debts should not be recovered from him in the manner in which land revenue arrears are recovered. This is one of those provisions which go to the root of the matter. We have essayed to incorporate in this Bill some provisions which will test the good faith of the debtor or of the majority behind the Bill. We moved that he may make a deposit of ten per cent. before making an application and we attempted also to move that he may make a deposit of some per cent. of his assets, before he is permitted to make an application. All these amendments have

[Mr. Labh Singh.]

been rejected. We also tried to make a suggestion that he may make assets to the value of even one-twentieth of the entire debt due by him available for the purpose of distribution amongst his creditors, or he may give some sort of security like the security which an ordinary person who comes to the Insolvency Court is called upon to give, but none of these wholesome suggestions or amendments the House has thought fit to adopt or even to consider on merits. Such being the case we would have been extremely reluctant to pursue the other amendment which we have tabled, but we are under orders to go on even against our better judgement. Now, Sir, when a debtor is really agreed to make a certain payment and creditors representing 40 per cent. of the debts due by him are also agreeable and that agreement has been authenticated by the board, and is looked upon by everybody as fair and reasonable and he is given the full period for the purpose of making these payments, if he even then makes default, is there any reason why he should be further protected? If he does not comply with the conditions of the agreement in which he has entered into with the aid and under the supervision of the conciliation board, who *ex-hypothesi*, are bound to be friendly to him at any rate and would be there to superintend his interests and to watch the procedure to see that nothing unfair is done to him, is it fair that this man if he makes a default should not be proceeded against in the manner in which this amendment of mine provides that he should be proceeded against? The Central Provinces Act to which reference has been made over and over again has a provision not only in substance but even in words identical with this. I hope the House will see its way to consider this amendment on merits.

Mr. President : New clause proposed is—

If a debtor commits a default in paying any amount due in accordance with the terms of an agreement entered into under section 17, such amount shall be recoverable as an arrear of land revenue on the application of the creditor made within 90 days from the day of the default.

The Council then adjourned till 2 P.M., on Tuesday, 20th November 1934.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 20th November 1934.

The Council met at the Council Chamber at 2 P.M. of the clock. Mr. President in the Chair.

OATH OF OFFICE.

Mr. F. H. Puckle (Officer on Special Duty), was sworn in.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

New Clause—(concluded).

Mr. President : The Council will resume discussion on the motion of Mr. Labh Singh, namely :—

That the following be added as a new sub-clause after clause 19—

If a debtor commits a default in paying any amount due in accordance with the terms of an agreement entered into under section 17, such amount shall be recoverable as an arrear of land revenue on the application of the creditor made within 90 days from the day of the default.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural) : The motion under discussion is rather fantastic and I should say is not consistent with the underlying principle of the legislation which has been undertaken by Government. The legislation has been brought forward with a view to relieve the debtor classes of the burden of indebtedness. The proposal seeks to include a provision by which Government should undertake to collect the private debts of the creditor classes and should set the whole machinery of the Government in motion for the realisation of the individual debts of the creditors. If closely examined what will it come to? It looks that if this provision is included it would mean that the whole country, as a matter of fact, would have to be perhaps converted into a prison-house and anarchy, chaos and confusion would prevail. And when such a state of affairs is brought about the advocacy of the honourable mover and his eloquence would be of no avail to the population or to the administration.

Secondly, and this is my more serious objection, if examined this motion comes to this. The honourable mover of the motion when he moved it yesterday made it quite clear that sometimes he did not believe in some of the motions he moved but that they were moved under orders. That means that all the motions moved on the other side of the House are done under orders to carry on. (*Mr. Labh Singh* : I said nothing of the kind.) Those were the very words of the honourable member and I remember he was asked whose orders they were. In reply I think he pointed out to the leader of that party, the honourable member, Diwan Bahadur Raja Narendra Nath. That means that it is not an individual motion but that it is a motion by the party and the motion has been moved to bring pressure upon the Government and to get out of Government as much as possible. It is all

[Sardar Arjan Singh.]

the more sad when we find that such a drastic motion should come from a section of the House which very often claims to belong to a party which I believe calls itself Nationalist and honourable members belonging to it sometimes claim to speak in the name of the masses. They sometimes clamour and sometimes declare from their housetops that they are the people who are in the vanguard of the movement for self-government. If the masses were to know that this is what the self-government is going to be or what the advocates of the Swaraj Party promise would do when once they are in power for however short a time, I have no doubt the masses would say: "God save us from such friends who would not only do what they would ask the Government to do but much more." As a matter of fact, my own view is that the Government by giving way to one or two motions yesterday moved from that side and by carrying one of their own motions by the majority that they can command with the aid of that party, have already toned down the salutary provisions of the Bill. I am afraid if the Government yield to further pressure they would water down the provisions of this legislation altogether and they might then seriously think—

نه خدا هي ولا نه وصال عذم
نه ادھر کے رہے نہ ادھر کے رہے

That would be the position that they would reduce themselves to and I would, therefore, appeal to Government that they should now leave aside their weak-kneed policy which they have so far adopted with respect to some provisions relating to conciliation boards. With these words I oppose the amendment under discussion.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadan, Rural): What I have seen and heard in this House during the last week or ten days is very depressing, even painful. Member after member has risen from urban benches and put forward proposals which, if carried, will mean nothing less than a complete negation of the Indebtedness Relief Bill. While on the one hand they claim that they are prepared to extend all possible sympathy for those who are in debt, on the other hand they are putting forward amendments which not only make the Bill of no worth but are much worse than that. Take the present amendment. If this amendment is carried the result will be not only no relief to the debtor but a tightening of the rope round his neck still further, and this tightening of the rope will turn his present economic helplessness into his economic death and I may be allowed to warn urban members that if the debtor dies, his death will also mean ultimately the death of the bania, the death of the trader, the death of the merchant, the death of the professional man, because the debtor at present practically represents no less than 80 per cent. of the population. If 80 per cent. of the population dies economically those who depend upon them, those who do not produce any wealth but are either engaged in certain professions or are doing the work of distributors or intermediaries will die automatically. Therefore, I should like to make an earnest appeal to the occupants of the urban benches not to put forward these amendments. I think everybody is agreed that there is need for relief and the need is urgent and that the relief should not only be nominal relief

but that it should be substantial. Here the urban members are, at least in theory, at one with us. In fact they have kindly pointed out the extreme heaviness of land revenue and have been kind enough to suggest that land revenue should be cut down to a little less than half. That shows that they admit the urgent need for substantial relief. And yet, if they mean seriously to press this amendment, what does their idea of relief come to? What I understand by relief is either a lightening of the burden of debt or a mitigation of the harrassment to which the creditor may sometimes be able to subject a debtor, or a softening of the harshness of the methods of realisation. If we just examine this proposal closely, can anybody contend that any of these three results will follow? Certainly not. What will follow will be the exact reverse of what a normally constituted person will regard as relief. More than once objections have been raised by certain members of the National Reform party that we are trying in this legislation to repeal in some respects the general law of the land contained in the Civil Procedure Code. I think I can raise an objection exactly on the same ground. At present under the Civil Procedure Code certain items of property belonging to a debtor are exempt from attachment or sale. If the present amendment is accepted those provisions of the Civil Procedure Code which protect these items of property will be repealed inevitably.

Then again, the realisation of debts as an arrear of land revenue will also mean the repeal of the Land Alienation Act. Therefore, under this single amendment my urban friends are seeking to repeal not only the Punjab Land Alienation Act but also the Civil Procedure Code which is the general law of the land.

I wonder whether the mover has understood or realised the full meaning of this amendment. If he had, probably he would not have been so keen about his amendment. I will just draw his attention to the provisions of the Land Revenue Act which lay down the method in which an arrear of land revenue is to be realised or collected. However, before I come to those methods I may draw his attention also to the fact that in respect of land revenue there is such a thing as joint and several liability. I wonder whether my friend has ever heard of that. This novel incident of land revenue is as follows:—If an estate is owned by more persons than one, or if it is an estate which is held on a *bharyachara* tenure, every single proprietor of the land in that estate is liable to pay land revenue which is assessed on any holding in that estate. For instance, if all the occupants of urban benches were owners of their own respective holdings in a single estate and Mr. Labh Singh made a default in land revenue, Diwan Bahadur Raja Narendra Nath could be made to pay the land revenue in respect of which default has been made by Mr. Labh Singh. And not only this, but the methods which can be applied in the case of the actual defaulter will also be applicable to other owners, that is, in respect of a default made by Mr. Labh Singh, Raja Sahib makes himself subject to all those coercive methods of realisation which are prescribed in section 67. I will now read out section 67 of the Punjab Land Revenue Act.

Subject to the other provisions of this Act an arrear of land revenue may be recovered by any one or more of the following processes, namely—

- (a) by service of a writ of demand on the defaulter;
- (b) by arrest and detention of his person;

✓ [R. B. Ch. Chhotu Ram.]

- (c) by distress and sale of his movable property and uncut or ungathered crops;
- (d) by transfer of the holding in respect of which the arrear is due;
- (e) by attachment of the estate or holding in respect of which the arrear is due;
- (f) by annulment of the assessment of that estate or holding;
- (g) by sale of that estate or holding; and
- (h) by proceedings against other immovable property of the defaulter.

Is there any coercive method conceivable which has been omitted under this section? And is Mr. Labh Singh really serious that all these coercive processes should be available for the realisation of debts under present conditions? We have come here to this Council begging for relief, and Mr. Labh Singh presents us with an amendment which will have the effect of applying very uncivilised methods for the realisation of these debts. Under the circumstances I feel it that I can, with some hope, appeal to Raja Sahib to countermand all the amendments which have such characteristic features about them. Urban Hindus are my political opponents and any blunders that are made by them ought ordinarily to be welcomed by me, but there are limits beyond which I should not like even my political opponents to commit blunders. This is a blunder which I think can have very serious consequences. After all, they are Hindus and they should not forget that a very large section of the Hindu community is in debt and a very large section of the zamindar population which is also Hindu is in debt. The effect of this amendment will be to deprive so many Punjabis, so many Hindus and so many zamindar Hindus of their ancestral property by the repeal, practical repeal of the Punjab Land Alienation Act, and also the repeal of section 60 of the Civil Procedure Code. Am I to understand, that this amendment really represents the soul of urban Hindus? (*An honourable member*: Mr. Labh Singh is really a rural representative.) That makes things still worse. It means that a man who is himself of urban extraction will not have any sympathy for rural people even when he is returned to the House to represent rural population. That puts the matter in a still more unpleasant perspective. I do not think Raja Sahib would like to have this amendment taken as the measure of his sympathy and the sympathy of his party for zamindars. May I hope that he will ask the members of his party not to move amendments of this character.

Mr. Labh Singh (Rawalpindi division and Lahore division, North non-Muhammadan, Rural): I will say just a few words in answer to what Rao Bahadur Chaudhri Chhotu Ram and the honourable member for Hoshiarpur (Sardar Arjan Singh) have said. The honourable member for Hoshiarpur twitted me by repeating and misrepresenting what I said yesterday, namely, that although we have seen that even some of the most moderate and reasonable amendments moved by us had been thrown out by the House without being considered on merits, we were told by our venerable Leader not to lose heart but to go on with the amendments which have been tabled by us. This is all I said and nothing more.

As regards the remarks made by the honourable the Leader of the Unionist Party, it is apparent that what we are proposing under this amendment is nothing new. This is what has already been embodied in the Central Provinces Act and there is no enormity about it. All that the amendment says is that when a person's debts have been scaled down and he has made

an agreement to pay them and the board has deliberately come to the conclusion that the man is competent to discharge his obligation, if even after that he makes a wilful default, if after that he sells his assets or otherwise misbehaves, it is only then that the provisions contained in the Land Revenue Act for the realisation of arrears of land revenue should come into force. So the thing is not quite so bad as the Rao Bahadur wants us to believe. And his method of argument reminds me only of a pettifogging advocate who when he has got a weak case trumps up another case altogether, attributes it to the other side and tries to demolish it. What is wrong about these methods being applied against the defaulter who makes default dishonestly and works in bad faith, who sells his property to delay or defraud his creditors and who does not intend to pay? This is a procedure that is to be adopted in the case of the dishonest borrower and not to harrass an honest person who wants to deal honestly by his creditor. My friend's argument would suggest that he wants to shield every dishonest borrower. If that is the thing he wants to do, he may well do it because as I have already said he has votes behind him. But we are suggesting nothing of the sort, all that we are suggesting is that dishonest people should be dealt with strongly, and should not be shielded.

Mr. President : The question is :—

That the following be added as a new sub-clause after clause 19—

If a debtor commits a default in paying any amount due in accordance with the terms of an agreement entered into under section 17, such amount shall be recoverable as an arrear of land revenue on the application of the creditor made within 90 days from the day of the default.

The motion was lost.

Lala Chetan Anand (West Punjab Towns, non-Muhammadan, Urban) (*Urdu*) : Sir, I beg to move—

That the following clause be added after clause 19—

When the debtor has committed a default in carrying out the terms of the agreement the debts and decrees will be revived and the creditor or decree-holder will be entitled to pursue his remedies according to law as if no application has been made.

Sir, the amendment I have moved is perfectly harmless and I hope that the House would readily accept it. If the debtor commits a default in carrying out the terms of the agreement, that is, if he does not transfer or lease out his land to his creditor, the latter should be allowed to pursue his remedies according to law. That is but a reasonable request and I hope that the House will accede to it.

Mr. President : The clause proposed to be added is :—

When the debtor has committed a default in carrying out the terms of the agreement the debts and decrees will be revived and the creditor or decree-holder will be entitled to pursue his remedies according to law as if no application has been made.

Lala Bhagat Ram (Jullundur-cum-Ludhiana, non-Muhammadan, Rural) (*Urdu*) : Sir, I rise to support this amendment. When so many concessions and facilities are being provided for the debtors as against their creditors, it is only reasonable that steps should be taken to make it possible for the creditors to have the decrees granted by the conciliation boards executed as speedily as possible. If amendments like these are not accepted, it will only mean that you are encouraging the debtors to avoid paying back

[Lala Bhagat Ram.]

their debts even if some of them may be able to pay very easily. I wonder why no provision should be made to compel the debtors to return the money that was advanced to them in time of their need and difficulty. Why should you place so many impediments in the way of the sahuks in the realisation of the money advanced by them and why should the debtors be allowed a free hand in every way? This attitude of the Government and the majority will certainly create this impression that both have joined to crush one particular class of people. If you do not want to create that impression and if you do not like that trade should cease to prosper, you must not persist in this attitude but like reasonable men you should accept this amendments so that the creditors may have the right to pursue their remedies in the courts, according to the law now in force.

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadan, Urban) (Urdu): Sir, I wonder very much at the attitude of the House which has been adopted in considering the matter before the House and I fail to understand where the things are leading to. Any proposal that is put before the House from this side is at once rejected without giving a thought to it and whatever amendments or proposals are put before it from the other side of the House are readily accepted and adopted. Is it because the number of members on this side of the House is small and the number on the other side is large that this treatment is meted out to every suggestion put forward from this side? Whatever the minority party has to say is at once declared as wrong and improper and whatever falls from the lips of any of the members on those benches who are in a majority is said to be quite reasonable and proper. I am extremely sorry to observe that even the Government has failed to do its duty on this occasion. Instead of taking the side of the minority and instead of keeping the balance even, it has gone over to make common cause with the majority party. It is not even trying to show that it has some sympathy with the cause that the minority party is pleading. It has not deigned to do anything even as an eye-wash. I really cannot account for this heartedness of the Government in regard to this matter. Only a few minutes ago Mr. Labh Singh put forward before the House a very reasonable proposal and although he did his best to convince the House of the soundness of his amendment by quoting any number of references, his amendment was rejected without a thought having been given to it.

As you are aware, the conciliation boards have been given very wide powers and they have also the power to reduce the amounts of debts to as low a figure as may please their fancy. They will be entitled to reduce a loan of Rs. 4,000 due to the sahuks to Rs. 1,000 and even to a lower figure. But it is a pity that no provision has been made by which it may be possible for the sahuks to realise even their reduced loans and if any proposal of such a nature is made, it is at once rejected. It is clear, therefore, that debtors are being encouraged to make no efforts to repay their debts. No other conclusion can be drawn from this attitude of the Government and the majority party. If that is the real motive by which the honourable members opposite are being guided, why should they not say so openly? Why should they not ask the Government to make such a law as may enable the debtors to refuse to pay back their debts? That law may further provide that in

case a creditor attempts to persuade an honest borrower to return his money, he shall be punished with imprisonment or with fine. That will solve the difficulty with which the honourable members opposite seem to be faced with. And if the intention is to hold the scales even between the debtors and the creditors as has been said, then I see no reason why amendments like these should not be accepted. It is but fair and reasonable that the sahu-kars, many of whom are now very poor, should be helped to recover their money at least from those who can pay and whose sons have become deputy commissioners and other high officers by spending for their education that money which their fathers borrowed from the sahu-kars. Please do not confirm this impression, which has already been created, that this Bill is intended to crush the sahu-kars and trade in the province but accept this amendment which is most reasonable and quite harmless.

Khan Bahadur Nawab Muhammad Hayat Qureshi (Shahpur-West Muhammadan, Rural) (*Urdu*): I do not see how this amendment will do any good to the creditors. I am positively of the opinion that it is a superfluous amendment and the creditors can, in no way, benefit by it. The award of the conciliation boards will be as effective as any decree of a court and even if a borrower will fail to pay the money in fixed instalments, it will be open to the creditors concerned to have that money realised just as any amount decreed by any other court of law can be realised. I hope the honourable mover will realise that it is useless to have this amendment made and that he will not press for its acceptance.

Mr. President : The question is—

That the following clause be added after clause 19:—

When the debtor has committed a default in carrying out the terms of the agreement the debts and decrees will be revived and the creditor or decree-holder will be entitled to pursue his remedies according to law as if no application has been made.

The motion was lost.

Clause 20.

Mr. President : The question is—

That clause 20 stand part of the Bill.

The motion was carried.

Clause 21.

Lala Bhagat Ram (Jullundur-cum-Ludhiana, non-Muhammadan, Rural) (*Urdu*): Sir, I beg to move—

That for clause 21, the following be substituted:—

An appeal shall lie from the order of the board granting a certificate to the debtor to the District Judge.

As the boards will have power to decide cases of the value of Rs. 5,000, Rs. 7,000 and even Rs. 10,000 for which an appeal lies to the High Court according to the present law, it is necessary that the orders of the boards granting certificates should be made subject to appeal and revision by some higher authority. In case this is not done there is a danger of injustice being done to the sahu-kars. Without such a provision the boards are very likely to pay little attention to the merits of the cases that will come up before them for decision. While on this point I may warn the Government that it is

[Lala Bhagat Ram.]

already being accused of having made a common cause with the majority party in the Council in order to crush the money-lenders who are helpless and who are now very poor. I shall not say that it is really so. But one thing is clear and that is that we are not even allowed to speak out our mind. Efforts are made to prevent us from speaking by putting closure motions whenever we get up to speak on any point. During the course of the last few days, whenever we got up to speak, the closure motion was put. To me it appears that the Government and the majority party have decided not to listen to what we have to say. In order to gag us either Rao Bahadur Chaudhri Chhotu Ram or some one of his party will get up to move that the question be now put and the pity is that as soon as a motion like that is made, it is accepted by you.

Mr. President : It is extremely regrettable that the honourable member is attacking not only his honourable colleagues but also the Chair. Can he quote a single instance in which the voice of the minority was suppressed or the minority was allowed to be oppressed? I have tried to treat all parties equally. I have not allowed the majority to oppress the minority nor have I allowed the minority to obstruct the majority. It is most unfair that the honourable member, while replying to another honourable member, should have brought in the Chair. I would request him, therefore, either to quote an instance in support of what he has said or withdraw his remarks at once.

Lala Bhagat Ram (Urdu): It was never my intention to cast any aspersion on the Chair or on the House. I only tried to state in my own way the facts that I have known and if in doing so I have offended anyone, I am sorry for it. I was trying to impress upon the House the need of placing some sort of check on the boards so that there should not be any fear of miscarriage of justice. I need hardly say that the *sahukars* have always remained as obedient and loyal to the Government as the *zamindars*. They contributed large sums of money towards loans raised during the Great War and even during the Civil Disobedience Movement their attitude was praiseworthy. It is, therefore, the duty of the Government to safeguard their interests as well. After these few words from me I hope that this amendment will be accepted.

Mr. President : Clause under consideration, amendment moved—

That for clause 21, the following be substituted :—

An appeal shall lie from the order of the board granting a certificate to the debtor to the District Judge.

Lala Chetan Anand (West Punjab Towns, non-Muhammadan, Urban) (Urdu): Sir, I beg to move—

That for clause 21, the following be substituted :—

An appeal shall lie from the order of the board granting a certificate to the debtor to the deputy commissioner.

I need hardly say that I have moved this amendment in order that the Government may choose between the district judge and the deputy commissioner. If for some reasons it may not be acceptable to the Government to vest the district judges with powers of hearing appeals against the orders of the boards it may vest the deputy commissioners with that power. What

we want is that there must be some sort of check over the boards. They should know that their orders are subject to appeal and revision and so forth. You know that the orders of the boards granting certificate to the debtors under clause 19 will have far-reaching effects. According to those orders not only the rate of interest will be reduced, but in many cases the amounts of loans will also be reduced and then no costs will be given to the creditors. Under the circumstances it is only necessary that the order of the boards should be made subject to appeal so that they may take every care in passing such orders. With these few words I commend my motion for the acceptance of the House.

Mr. President : Clause under consideration, amendment moved—

That for clause 21 the following be substituted :—

An appeal shall lie from the order of the board granting the certificate to the debtor to the deputy commissioner.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhammadan, Rural). (*Urdu*) : Sir, I really wonder at this attitude of the honourable members on the opposite benches. They are never tired of condemning the present system of government and of demanding swaraj for the country. They urge the Government in and out of season that greater control should be given to the Indians in the government of the country and that our own men, not the Englishmen, should be entrusted with more powers. But now when the Government has decided to appoint Indians for deciding the matters between the debtors and the creditors, they do not want these powers to be vested in the Indians. From this I can safely conclude that they do not want the debtors to obtain any relief. My friends on the opposite benches know that in the present courts of law it is very easy to procure witnesses false or otherwise and in some cases also to influence the presiding officers and then to obtain decrees against the debtors. They also know that the members of these boards will be local men who will have full and personal knowledge of the transactions between the money-lenders and the debtors and that, therefore, it will be well nigh impossible to deceive them and obtain decrees for the sums of money that may not be even due to the sahu-kars. It is for this reason that they do not want the members of the boards to have a free hand in the matter. They want that the fear of the district judges or the deputy commissioners should always haunt these members and that they should not be able to do full justice to the debtors. These are only tactics to evade the real issue and I hope that the House will not be deceived by them.

It is after a very long time that the Government has thought fit to apply the proper remedy for the ills from which the agriculturists are suffering and I am sure that nothing will be allowed to be done which will mar the effect of this remedy. At this time when the number of advocates of equality and fraternity is daily increasing all the world over, it does not behove my friends to adopt such an attitude. There are persons—and their number is pretty large—who can be found in almost every country and who want that taking and giving of interest should be disallowed by law because they think and very rightly too that this is the root of all evil. If this can be done we will be saved the trouble of this *bak bak* and *jhak jhak* in the Council.

Mr. President : That is not the question now before the House.

Chaudhri Muhammad Abdul Rahman Khan : This interruption by you, Sir, has reminded me of the story of an old woman and his son who died of thirst. This son of the old woman managed to read Persian or at least something of it and when one day he came home, he asked for water from his mother saying *ab biared, ab biared*. As the mother could not understand what her son wanted, she sometimes brought this thing and sometimes that thing but never water which the son wanted. As the son continued to ask for water in the same language which his mother was not able to understand, he died of thirst ultimately. When some neighbours came to offer their sympathies to the bereaved mother and asked what had happened, she told them the whole thing. The neighbours then explained to her what her son had asked. At this the poor mother bewailed—

آب اب کودا مویا بیجہ فارسیان کہر گالے
جے میں جاندی پانی منگدا بہر بہر دزدی پیالے

You, Mr. President, know that I do not know English.

Mr. President : Order, order. A member cannot without the permission of the Chair, address the Council in any vernacular of the province. The honourable member has been a member of this House for so many years. Has he ever heard the President speaking in Urdu ? He should withdraw two things : the last part of his speech and also the words

”بک بک جھک جھک“

Chaudhri Muhammad Abdul Rahman Khan : Sir, I withdraw both these things. The representatives of the money-lending classes want that they should continue to derive advantage from the law courts as they have been doing in the past. With this end in view they bring in such amendments. In the circumstances I strongly oppose the amendment now before the House.

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muhammadan, Rural) (Urdu) :

3 P. M. three members. One of these three members will be the president of the board and the remaining two its members.

Nothing has been said about the qualifications of these members. In the absence of any provision stating the qualifications of the members of these boards, it is very possible that such persons may be appointed as members of these boards who are quite inefficient and unqualified. There is every chance of such people being appointed as members who are illiterate and quite unfit to discharge their duties. Men like the members of district boards of backward districts can be appointed as members of the boards. Similarly in urban areas any tax payer can be appointed as a member and educated men can be ignored. There is every fear that ordinary shopkeepers who have some influence on the Government officers can by flattery win their good opinion and be appointed members of the conciliation boards. The members of these boards ought to be persons who know law and have educational qualifications. If in every district you are going to establish a conciliation board there is every likelihood that such people who have got no knowledge of law may become their members. Often it happens that members of a

panchayat even if they have no jurisdiction in the matter decide the matter. They think that it becomes their duty to give their decision if an application is once presented to them. They never care to see whether the matter regarding which the application is made is within their jurisdiction. Similar things can be expected from the conciliation boards if no qualified members are appointed as their members. It would be very unfair if these boards took action even in cases which they are not entitled to decide. Under the circumstances it is very necessary that appeal should lie from the decisions of these boards. It has been stated that there is no chance of collusive decrees being given. I may submit that in order to harm the interests of a third person collusive decrees can be obtained. With these words I support the amendment now before the House.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural): Sir, I rise to oppose the amendment under consideration. In the first place it has not been found out whether the deputy commissioners will have time for these heavy duties apart from those that they are at present performing. The deputy commissioners in the Punjab are very much over-worked. They may not find time to dispose of all the thousand and one pieces of work entrusted to them. There is no mention of district and sessions judges in this motion. As deputy commissioners they are heavily over-worked and will never have time to dispose of the work that will be constantly thrown on them. Again it is quite possible that many boards may have retired district and sessions judges as their members. If they come to a certain understanding with the consent of the parties, how can the deputy commissioner decide against them. Deputy commissioners do not do any civil work. All that is expected from them is that they should do criminal and executive work. How can they dispose of civil work of this magnitude? Again, there is no staff with them for this extra work and that staff which they at present possess is hardly enough to cope with the multifarious duties that they have to perform. The staff is generally over-worked and it works from 10 in the morning to 6 in the evening. Still it is not able to dispose of its work. So extra staff will have to be provided for which I do not think the Government will be prepared to bear the cost. I also doubt whether the Government will be able to persuade the deputy commissioners to do this heavy additional work. Besides this amendment is absolutely unnecessary and so must not be supported by any member of the House.

Mr. Labh Singh (Rawalpindi division and Lahore division North, non-Muhammadan, Rural): Sir, the principle involved in both these amendments is the same. The question is whether the right of appeal should be conferred on dissatisfied persons against the decisions of these boards. The first point that I want to make is that the grant of the certificate involves very serious results touching the rights of at least 60 per cent. of the creditors. We assume with respect to the amendment that was carried yesterday that in any compromise or composition at least 40 per cent. of the debts would be represented. But it leaves out 60 per cent. of the total amount of debt due by the applicant. Now, in view of these serious results which the grant of the certificate involves, is it not proper that the right of appeal should be given to persons dissatisfied with the agreement? I assume that the honourable Leader of the Unionist Party tacitly concurs in the view that such right

[Mr. Labh Singh.]

of appeal would be barbarous or is not called for by the circumstances of the case, that it would be detracting from the full measure of relief which he seeks to provide in this Bill. But let us contemplate for a few minutes the serious results which flow from the grant of a certificate. There is the question of the rate of interest touching the sixty per cent. of the creditors. There is the question of the cost of the case and what is still more important and in fact the most important thing in the matter is the suspension of all remedies so far as sixty per cent. of the creditors are concerned. It postpones all remedies which are open to them almost indefinitely. As I pointed out yesterday the agreement may provide that the instalments which are to be paid under it shall range over a period of 20 years. All rights and remedies which under the ordinary law inure to the sixty per cent. of the creditors will have to remain in suspension for the long period of 20 years. In view of this important series of results which flows from the grant of the certificate by the conciliation board, I would submit that it is all important that the right of appeal should be given to the dissatisfied creditors. This is still more necessary when we remember that so far as the personnel of these boards is concerned this Act when it is passed will be absolutely silent as to their qualifications. Even that modest amendment which I moved that the chairman of the board and at least half the members should be persons with some judicial experience was turned down. So we have not got any guarantee in the Act itself. We are left to the sweet mercy of the executive. There is no guarantee in the Act itself that these persons would be persons qualified to adjudicate in the matters which would be entrusted to their care. Our experience in other well-known directions is sad, in the matter of assessors, in the matter of panchayats, and in the matter of members of district boards for instance. These people are bound to be influenced by their local bias, by their local or communal prejudices and there is every possibility that the ends of justice would be thwarted if the right of appeal is denied. After all the principle of appeal is a recognized principle of civilized jurisprudence at the present day. Human judgment is liable to error and it is only to correct that error that the right of appeal is allowed. Under the ordinary law causes and suits of the value of ten thousand rupees are tried by senior sub-judges, people who have training of long years behind them, while in this case we do not know to whom these matters would be entrusted for adjudication. It is, therefore, in the highest degree necessary that the right of appeal should be given.

The point has been trotted out that these decrees would be consent decrees and that, therefore, no appeal is necessary. One has got only to state this to show the absurdity of it. In the first place we do not contemplate that persons who are parties to the agreement should have a right of appeal. What is being urged is that the right of appeal should be given to people who are no parties to the composition, i.e., to those who have been left out in the lurch, who are dissatisfied with the agreement, who claim that the agreement has proceeded on wrong lines or that it is contrary to facts that have been brought before the board or otherwise not in accordance with the weight of evidence that was placed before the members of the board. The absence of a right of appeal only prejudices those who stand outside the agreement and not those who are in it.

Another argument has been put forward that the deputy commissioners and district judges have no time to deal with these matters. This, again, is wrong in fact, because as I pointed out the other day the moment that you constitute these boards you practically relieve our civil courts of a good deal of their business. This would be so even if this Bill were confined in its operation only to the agriculturists. Ninety per cent. of the population as we are told from day to day belongs to that class, either they are statutory or non-statutory agriculturists or persons depending upon agriculture, and they would be covered by this Bill. We are to assume, therefore, that 90 per cent. of the litigation that is going on in our courts belongs to this class of people. If 40 per cent. of these people refrain from going to the ordinary courts and the other 60 per cent. are prevented from going to them, then apparently the so-called civil courts will be relieved of all their work and there is no fear of any congestion taking place either in the work of the deputy commissioner or the district judge. Therefore that argument also goes overboard.

I would submit, therefore, that judged by every canon of fairness and justice the right of appeal should not be taken away but on the contrary it should be expressly conferred upon those who are dissatisfied with the decrees of these courts.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadan, Rural): The real principle involved in this amendment is that an appeal should be allowed to some officer. So far as those who have given notices of these amendments are concerned it is immaterial to them whether the appeal is to the district judge or the deputy commissioner or the district magistrate. We have to make up our mind as to this essential principle that is, whether an appeal should be allowed. So long as an appeal is allowed it is immaterial to urban benches whether it is to a district judge or to a deputy commissioner or to a district magistrate. At least, this is what I have been able to judge from the speeches made on that side. Personally I am opposed to this principle of an appeal being conceded and my reasons are these. In the first instance we should not forget that these conciliation boards are to consist of at least three persons. There may be more than three on them but at least one chairman and two members must be there in order to constitute a conciliation board. When you have had a bench of three persons selected by the local Government to decide a case there is no need for an appeal being allowed to another court. After all as was remarked by one speaker on this side some of those members, some at least, are likely to be local people. Parties who come before them will lay their case in a free and easy manner and they will be able to get at the truth more easily than a judge in a civil court who is bound by so many artificial rules of evidence. (*An honourable member*: Then abolish the courts.) If I had my way I would probably prune the wild growth of courts to a very large extent. There will not be the present unending series of legal proceedings—original proceedings, appeals, second appeals, reviews and revisions. And if my honourable friend will allow me, I will draw his attention to the Punjabi saying:—

جیتا سو ہارا—ہارا سو مرے

In litigation even the man who actually wins in the end is not in a better position than a man who has lost and the man who actually loses a

✓ [R. B. Ch. Chhotu Ram.]

litigation is in the position of a man who is practically dead. That is the meaning of the saying and the significance of this saying ought to be well-known to my honourable friend. This hierarchy of courts here, so many of them, deciding the same cause of action one after the other has been the cause of our ruin. And if I had my way I would certainly introduce very radical reforms in the system of our courts. However, the point is why an appeal should not be allowed. My first argument as already submitted is that if the board is to consist of at least three persons, the executive government may be expected to select men who would be able to do justice in an even-handed manner. As the boards will consist of men with local knowledge and the parties will in their presence, be honest and frank with regard to the statement of their case, there is no reason why we should fear that a miscarriage of justice will occur. If there are any cases of miscarriage of justice then there is an opportunity given to the party aggrieved to file an application for review. And if facts are brought to the notice of a conciliation board and the board is convinced that they have been led into an error, certainly they will set their judgment right.

One of the arguments put forward by the honourable member, Mr. Labh Singh, was that if there is an agreement between one creditor and a debtor that instalments should cover a period of twenty years, then all the others, at least those creditors to whom 60 per cent. of the debts are owing, will have lost their remedy. The remedy will certainly be lost if we believe his premises to be correct, but the actual instance which he has selected is impossible of occurrence. If instalments covering a period of twenty years are agreed upon between a debtor and a creditor you may take it that the conciliation board will refuse to authenticate that agreement. (*An honourable member* : How ?) Just look at the words of the clause. If the period is excessive then the conciliation board has power to refuse to authenticate that agreement. (*An honourable member* : Who is to define "excessive" ?) (*Another honourable member* : Common-sense). (*An other honourable member* : It is very rare). Is common-sense the monopoly of civil court judges only ? If common-sense is rare probably it will be found to be rarer in those who are in a way hide-bound by technical rules. Those who are not accustomed to pay homage to technicalities may be expected to have better common-sense than those who are hedged in by these technicalities, and my honourable friend will admit that civil judges are more curbed and cribbed by technicalities than ordinary persons.

Sir, I was submitting when interrupted that in the case of an excessively long period of instalments the conciliation boards will refuse to authenticate the agreement. Then, again, suppose there is a compromise decree passed in terms of a compromise in an ordinary civil court, is the effect in any way different ? The defendant comes into court, confesses judgment and the plaintiff and the defendant come to a compromise that the whole of the defendant's holding will be made over to the plaintiff for twenty years. A decree in terms of this compromise must ensue. What is the remedy of other creditors in such a case ? Is not the present law exactly the same as it is proposed to make it under this Bill with certain reservations. Even courts sometimes make over the whole of the holding of a judgment-debtor to a judgment-creditor for a full period of 20 years. I will quote one instance

from my own district of which I have personal knowledge. In this instance 340 bighas of canal irrigated land was made over to one creditor for the full twenty years. What was the remedy left for other creditors in this case? (*An honourable member*: We are talking of vigilant creditors.) Here also there is an opportunity for creditors to be vigilant and also reasonable. If the creditors to whom not less than 40 per cent. of the debts are due have come to an amicable settlement, is there any reason why the others should not come to a mutual settlement? After all, you cannot say that creditors who consent to a settlement are fools. Debtors may be fools but creditors have never proved themselves fools. They may be anything else. Thus the serious consequences to which reference has been made are brought upon the creditors by themselves. If they have the fairness to come to terms with a debtor as other creditors have done there would be absolutely no fear of any serious consequences following.

My friend has made a reference to panchayats and district boards. He will admit that panchayats are elected bodies and neither the head of the district nor the head of the executive government has anything to do with the election of panchayats. Under a system of election with an ignorant electorate it sometimes happens that undesirable persons are elected, but certainly we must concede that when the members of conciliation boards are selected by the executive authority such mistakes are not likely to occur. Let us remember that they will be selected on the recommendation of district officers who have full knowledge of their districts. This will prevent any likelihood of undesirable persons being selected. Under the circumstances I may be allowed to submit that in the interests of simplicity of procedure, in the interests of expedition, in the interests of economy and in the interests of true justice no right of appeal should be conceded.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural): I thought the amendment was such that no sensible man would support it and I had absolutely no mind to speak on it. But after hearing the arguments of the honourable urban members I thought it necessary to say something on it. Especially my surprise knew no bounds when I heard the legal luminaries arguing for an appeal from the order of the conciliation board consisting of three members and the appeal being heard by one man. This is a thing unheard of. Have you come across any instance in which a case was decided by three judges and an appeal on it went before a single judge? That is what the amendment comes to. Unfortunately the system of laws foisted upon this country has proved very unsuitable, and has landed the ignorant litigant public in indebtedness. Here are a series of courts in the land entailing any amount of expenditure. The procedure adopted by them is so complicated that by the time a man either wins or loses his case he is ruined. Honourable members urging for a right of appeal do not know the difficulties of the litigant public because they have a very rich harvest to reap by these series of courts. But the litigant who has to go to a number of courts, first to one, then to another, then to a third and again to a fourth, by the time he reaches the final court spends any amount of money. In order to avoid this complexity, Government has brought forward this simple Bill and hence no appeal has been provided for from the order of the conciliation board. How can

[K. B. Malik Zaman Mehdi Khan.]

any one say that the members of these boards ordinarily will be zaildars or men who are unacquainted with the law and its procedure? How can you say that? It is quite possible that one of the members may be a retired district judge, or a judge of the High Court and the other members may also be well versed in law and procedure. I do not want to say anything more. With these words I oppose the amendment.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural): I was extremely surprised to hear the last speech and I was reminded of a proverb, a rather vulgar proverb—“*Nau sau chuhe kha ke billi haj ko gai.*” The honourable gentleman who has just sat down after having administered the British law is now trying to qualify himself to sit on the conciliation board, and therefore he would throw overboard all that law which he has been administering for so long during his long and meritorious service. People are supposed to change when they are children or when they have not made up their minds, but one would have thought that after 50 years the Khan Bahadur would have fixed ideas on the subject. It is therefore very surprising how party feelings influence people and that is one, in fact the greatest, argument why cases of this kind should not be left entirely to people who would be influenced by party feeling, namely these men who will arrange some sort of compromise (*interruption*) my friend says not compromise but coercion by means of these conciliation boards.

One argument given by Chaudhri Sahib is this,—one is so much surprised when one hears him: he is springing surprises every day. He says: Here are three men. If there are three men, why have an appeal? Have you heard, he says, of such a thing that three people should sit down and give their decision or try to bring about a conciliation under this law and then there should be an appeal? One can understand, he says, an appeal from one man's judgment or one man's decision on this matter (or interference on this matter), but how can you expect an appeal from the judgment of three judges? Chaudhri Sahib should have had a look at the court which is very close by. There is a High Court Judge in the Gurdwara Tribunal, and he is assisted by two very competent men, namely an advocate of at least ten years' standing and a sessions judge or a senior sub-judge. Here are these three men and if the honourable Chaudhri Sahib does not know he should have a look and see how that work is carried on very competently and efficiently. Even then an appeal is provided to the High Court and a division bench of the High Court hears that appeal. So is the case with the benches of honorary magistrates who are constituted by Government and where appeal lies to the district magistrate. And here is my friend the Chaudhri Sahib who cannot possibly conceive of an appeal from three people and who says theirs should be the last word on the matter which should be accepted. The ministers who will constitute the Government in the near future influenced by their large parties in the Council will give these posts to men who will always be sitting at their door asking favour in one form or another and they will be given these posts. There can be no doubt that such a thing is bound to happen in the near future. (*An honourable member*: Do not take such an uncharitable view of your future ministers). Therefore, I say political considerations, caste considerations,

religious considerations, all these will sway the judgment of the local Government that is to be, in the appointment of the members of conciliation boards, and I ask, if these men are above party and political influences why are three men to be appointed on each board? The very idea of having three men is that you are not prepared to repose confidence in these men. One must be an advocate of one side, one must be an advocate of the other side, and the third must be an arbitrator or an umpire. The principle underlying it is that there must be both parties represented and that there must be an arbitrator or umpire to give his decision. That is the main idea underlying the conciliation boards which are to be constituted in the near future and that is why I find that in a tribunal of this kind one member is a Sikh, one Hindu and the third a judge of the High Court to give a decision when these two gentlemen differ. The basis of the constitution of these boards is want of confidence.

Then my friend the Chaudhri Sahib said—he was very emphatic when a question was put to him, he said that he would have no civilised system of justice. He said that if he had his way he would demolish all the courts that were functioning. He would construct them in the way in which panchayats have been working. They will sit in an easy manner with *chaddars* and so on—smoking *hukkas* and sometimes smoking *charas* and when in a moment of forgetfulness a case of Rs. 10,000 or Rs. 20,000 comes up and the opinion of a member is asked he will say: My opinion is the same as that of the other member and when he is asked what the opinion of the other member is he generally says: I do not know, you just ask him. This is the sort of thing that goes on there and you have seen it yourself. They cannot possibly smoke in courts, they are not permitted to smoke in the sessions judges' courts but if they were permitted they would all take their *hukkas* and decide the cases in that manner.

Chaudhri Sahib does not want civilised system of justice and says there should be no appeals of any kind. You are clamouring for western institutions. You want 95 per cent. representation or 90 per cent. representation, and you talk of democracy, but when a thing is asked as a safeguard, the honourable Chaudhri Sahib says: I want to demolish all these courts and this system of dispensing justice which has been going on in the Punjab during the last 60 or 70 years. Persistency and obstinacy should have some limit and when we are invited to talk in a responsible manner we should not talk in this irresponsible manner. If you like to be irresponsible you can be, but try to examine this argument that you want to demolish the system of administering justice that has been in existence and you want to reconstruct it in the way in which the conciliation boards are going to dispense justice: try to examine and do not be influenced by party feelings. After all why should you be afraid of these matters?

One other argument was brought forward, that you save compromise decrees being brought under review or appeal or anything of that kind. But see what sort of compromise decrees they would be or these compromises would be. They would be coercion decrees and we would have nothing but coercion in matters of this kind.

Then the honourable Chaudhri Chhotu Ram wandered into other futile arguments and said panchayats are bad because they are elected and

[Mr. Nanak Chand Pandit.]

as they are elected therefore they are bound to be bad. He would want us to remember that members of the conciliation boards would be selected and not elected. But by whom would they be selected? Will not these boards be appointed by elected men who would form the local Government? If you are so much prejudiced against election, why leave this matter in the hands of the local Government which would be thoroughly an elected affair. I, therefore, very seriously ask my friends on the other side that when they are going to permit cases to be dealt with of the value of Rs. 10,000 or above where appeals are permitted to their lordships of the Privy Council they should at least permit one court to revise the errors which are bound to creep in cases of this kind. This is a very modest demand put forward and I see no reason why when we have appeals from gurdwara tribunal and from benches of honorary magistrates, we should not have appeals in conciliation boards.

Mr. President : The question is—

That for clause 21 the following be substituted :—

An appeal shall lie from the order of the board granting a certificate to the debtor to the district judge.

The motion was lost.

Mr. President : The question is—

That for clause 21 the following be substituted :—

An appeal shall lie from the order of the board granting the certificate to the debtor to the deputy commissioner.

The motion was lost.

Mr. President : The question is—

That clause 21 stand part of the Bill.

The motion was carried.

Clause 22.

Mr. J. D. Anderson (Legal Remembrancer): I beg to move the following amendment—

After the proviso to clause 22 the following words shall be added :—

Provided further that no application for review shall be entertained if presented more than twelve months after the date of the order which the person interested seeks to have reviewed.

I think that after the debate which we heard on the preceding clause there is little need for me to say much about this amendment. I think the House realises clearly that the proceedings before a board are very different from the proceedings before a court. I want to lay stress on the provision in clause 15 that the settlement shall be an amicable settlement entered into with the consent of all parties concerned. If one has a settlement of that kind there should in practice be very little need for this section at all. The board will very seldom find it necessary to review its order. If, however, it does find it necessary to do so, then it is obvious that there should be some reasonable time within which the parties interested may apply to the boards. It should not be possible for the parties to come forward after a long term of years to upset the proceedings entered into with full consent. With these words I commend my amendment to the acceptance of the House.

Mr. President : The question is—

That after the proviso to clause 22 the following words shall be added :—

Provided further that no application for review shall be entertained if presented more than twelve months after the date of the order which the person interested seeks to have reviewed.

The motion was carried.

Mr. President : The question is—

That clause 22 as amended stand part of the Bill.

The motion was carried.

Clause 23.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) :
I beg to move—

That in clause 23, line 6, the words " or by a legal practitioner " be omitted.

The amendment which I have moved is very important from the point of view of both the creditors and the debtors. The original clause as proposed by Government was—

In any proceedings under this part of the Act any party may with the permission of the board be represented by an agent authorised in writing, but not by a legal practitioner.

It was therein clearly and emphatically stated that the legal practitioners should not appear in any proceeding before the conciliation board. Obviously it was very reasonable. I, not being on the select committee, am not in a position to know what led to the substitution of the words that now appear in clause 23. I am told that it was as a sort of compromise between the two parties that these words were substituted. Anyhow, if it was a bait to the members of the legal profession in order to secure their support to the Bill, I think the Government has absolutely failed. If it was out of deference to the wishes of any particular section of the members of the select committee, unless any of the members of the select committee make it clear why the change was made in the clause, I may not be in a position to follow the point. However, the object of these clauses constituting the conciliation boards is quite clear. The Government and the House have tried their best to make the procedure of the conciliation boards simple, speedy, inexpensive and as intelligible as possible. If legal practitioners are allowed to appear in the proceedings before the conciliation boards, I think in the first instance the parties, both the creditors and the debtors, will have to bear extra expenditure, they will have to pay for the engagement of legal practitioners : and then the legal practitioners would draw in all the legal technique and there will be the whole Civil Procedure Code imported into the proceedings of the conciliation boards. This will not help any side at all. It will tend to make the work of the conciliation boards very difficult, very tardy and at the same time very complex and confused. Moreover, it will delay the proceedings before the conciliation boards out of all proportion. The difficulty is the more accentuated by the fact that there will be one debtor and any number of creditors and they will all have to prove their debts. If legal practitioners are allowed to represent the different sets of creditors, they will all be coming up with proofs and they will all be demanding the striking of issues and they will all be taking their stand upon

[Shaikh Abdul Ghani.]

the general procedure pertaining to civil courts in the land. (*Sardar Bahadur Sardar Buta Singh*: Why should that not be done?) I think the honourable member may as well explain in his speech why it should be done. The conciliation boards are not going to come to any definite judgment as to the amount of debt owing to a creditor. It is just possible without taking the least notice of the accounts, that they may be in a position as soon as the parties appear before them to press them to come to an amicable settlement: and as the business of the conciliation board is to reconcile the parties it may not at all be necessary to go through the various accounts, to apply to them legal standards that are prevalent in civil courts, allow the parties to let in evidence, allow the legal practitioners to examine and cross-examine the witnesses and then to give lengthy judgments. If it is contemplated that the conciliation boards should go through all these formalities then I think it will be a hopeless task. We should make their work very simple if this measure is to be effective. That is why I submit that legal practitioners should be dispensed with so far as these conciliation boards are concerned. With these words I commend my amendment to the House.

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan, Rural): I beg to move—

That in clause 23, the words "with the permission of the board" be omitted.

The clause, if my amendment is adopted, would read as follows:—

In any proceedings under this part of the Act, any party may be represented by an agent authorised in writing or by a legal practitioner.

The clause as it stands makes representation by pleader dependent upon the sweet will of the conciliation board, whereas if my amendment is accepted, it would make the representation by counsel a matter of right of the litigant. The exclusion of lawyers reminds me of the famous black measure in respect of which it was said that it did not admit of a vakil or *dakil* or appeal. In this particular Bill before us we have dispensed with appeal and we have been, throughout the procedure that we have adopted, dispensing with *dakil* and argument and one thing more remains to be done before this measure also approximates in full identity with the measure that has gone before it, namely that we should also shut out representation by counsel or pleader. The main argument urged by my honourable friend from Sargodha against representation by counsel is this. He says that it is only in courts of justice that parties should be permitted to be represented by vakils. By necessary implication he means to convey the idea that these are not courts of justice but courts of injustice and therefore the legal practitioners are out of court or out of forum so far as the conciliation boards are concerned. Another point that he has raised shows that he has got a very poor idea of his class or the position of the conciliation boards. He says pleaders and lawyers would confound or confuse the boards, as if the primary function of a legal practitioner according to him was to confound the judges and not to help them in the administration of justice. That is a very poor idea of the legal practitioner. The honourable member also assumes another thing, namely that the persons to be appointed to sit on these conciliation boards would be persons of a calibre who would be open to be confused and confounded by the legal practitioners. That again is hardly fair. Either he supports my argument

4 P. M.

that we should have some sort of guarantee of the minimum qualification of the members of the conciliation boards or he cuts the very ground from underneath his own argument. It is too late in the day now to go at length into the elementary philosophy of legal representation. The doctrine has been fully established in all jurisprudence, ancient or modern, and the reasons need not be now gone into *in extenso*. It is well known that a person may be incapacitated from representing his case for various reasons, for instance by absence or by reason of illness or by reason of mental incapacity to represent his case. It is well known that when a person is pleading his own cause he is confused and he does not see things in the proper perspective and it is the business and duty of a legal representative to sift things for him and to represent them to the court in the proper perspective. I hope that at any rate this amendment would be accepted by the House, so that every man may be able as of right to have his case represented by his counsel.

Mr. President : Clause under consideration, amendment moved—

That in clause 23 the words "with the permission of the board" be omitted.

The Honourable Mr. D. J. Boyd (Finance Member) : I think to a certain extent I was responsible for the addition of the words "or by a legal practitioner." They were added in the select committee, and I do not remember whether we were unanimous or not on this point, but certainly there was a majority in favour of this addition. The clause as it stands is excellent. My own experience is based mainly on the administration of the Frontier Crimes Regulation in the Mianwali district. There when lawyers appeared before me and asked permission to represent a client I always welcomed their assistance, and I found them most helpful in preventing me from making mistakes and in eliciting facts and generally in securing that justice was done. On those occasions lawyers appeared with permission. When they appear as a matter of right I do not think that the same remarks would always apply. Some of them are then inclined to abuse—certainly to extend their privileges to the very fullest extent, and I am not sure that they are always aids to justice, though of course in a great many cases they are. As the clause stands, I think we have a safeguard that they shall not abuse the concession given to them. At the same time there is a very fair chance that they will help the boards to administer justice.

Rai Bahadur Lala Sewak Ram (Multan division, non-Muhammadan, Rural) : I only want to bring to the notice of the House that the select committee in paragraph 20 of its report have stated "The Committee unanimously decided to allow legal practitioners to appear in proceedings before boards." When this question was discussed in the select committee and it was unanimously decided by them that legal practitioners should be allowed to appear before the boards, I do not see any reason why you should omit them now as my friend suggests. It is only reasonable that people should be allowed to be represented by lawyers.

Mr. President : There appears to be some misunderstanding which I venture to clear up. By an oversight amendment No. 1 to clause 23 was not called first. Therefore the honourable member Shaikh Abdul Ghani was called and he moved amendment No. 2. The mistake was discovered afterwards, and therefore amendment No. 2 was not proposed from the Chair. But I find that some members have not realised the situation and are

[Mr. President.]

speaking to amendment No. 2 which has not been proposed from the Chair and which is therefore not before the House.

Shaikh Abdul Ghani : I want to submit that having known that the attitude of the Government is not to delete these words, I beg to withdraw my amendment.

Mr. President : There is no question of withdrawal as the amendment of Shaikh Abdul Ghani has not so far been proposed from the Chair and, therefore, is not before the Council.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadan, Rural) : I have not much to say on this amendment. What I really desire is to explain what happened in the select committee. The clause as it stands was the result of a compromise. There were some members who were opposed to the appearance of legal practitioners before conciliation boards. There were others who were in favour of allowing this privilege and one of the strongest arguments advanced by the representatives of urban interests was that under this Bill we were not conceding the right of appeal to parties, and therefore it was only fair that parties should be allowed to be represented before conciliation boards by legal practitioners. We realised the fairness of this argument and felt inclined to agree to the proposal put forward by them. We wanted particularly to be deferential to their wishes because they felt they were in the minority. Another reason which was urged by the Sikh members of the select committee was that in many cases a legal practitioner may be more useful to a debtor than to a creditor. The creditor, man to man, is more intelligent than a debtor. Therefore while a creditor may be in a position to explain his case fully, the debtor himself may not be able to do justice to his own side of the case. We, therefore, arrived at a unanimous solution that the clause should be given the shape in which it stands at present. Shaikh Abdul Ghani's amendment is not before the House and, I am afraid, I shall have to oppose Mr. Labh Singh's amendment.

Mr. President : Clause under consideration, amendment moved—

That in clause 23 the words "with the permission of the board" be omitted.

The motion was lost.

Mr. President : The question is—

That clause 23 stand part of the Bill.

The motion was carried.

Clause 24.

Mr. Mukand Lal Puri (Punjab Industries) : I beg to move—

That in clause 24 for the words "when an application has been made to the board under section 8," the following words be substituted :—

On the passing of an order by the board staying further proceedings against the debtor.

The object of this amendment is to prevent a useless stay of civil proceedings and to save the time of courts. The necessary result of putting in an application before a conciliation board is to prevent the institution of new suits and the stay of all pending civil proceedings against the debtor.

If any execution proceedings are pending, at whatever stage they may be, they will be stayed. They may have reached a very late stage; the property may have been attached, proclamations of sale may have been issued and the actual date for sale might have been fixed, and a person who has no desire to get a decision from or even to go before a conciliation board, just to get a postponement of the sale, may send an application to the conciliation board which he has no desire to prosecute. The clause as it stands at present, leads to an automatic stay of all suits, applications for execution and other civil proceedings pending in various courts. What my amendment proposes is that instead of there being an automatic stay of suits, there should be an order by the conciliation board so that the stay of proceedings is taken away from the hands of the debtor and is given to the conciliation boards which will have *quasi-judicial* functions. A similar procedure already exists in insolvency proceedings. An insolvency court can pass an order staying further civil proceedings in other courts, and on the passing of such an order, such proceedings are stayed. This amendment, if accepted, would ensure that the proceedings in courts will not be stayed at the order of the debtor, but rather will be stayed by the order of conciliation boards, which would be a co-ordinate authority with *quasi-judicial* functions, and which are the creation of a statute. The debtor is not likely to be put to any particular disadvantage or to any hardship, but it would certainly save the dignity of the court. It should not be possible to a party who is appearing before a court to ask the court for an unnecessary adjournment and when that is refused, to order it to stay proceedings as he has drafted an application and intends to put it in the box next door to a conciliation board. If the civil court is to have its hands stayed, its proceedings suspended, at whatever inconvenient stage that a stay is asked for, it is but proper that it should be by an order of a conciliation board rather than at the order and sweet will of the debtor, by the mere filing of an unstamped application which he may or may not subsequently pursue and which he may have put in with a view just to get an adjournment. The debtor incurs no risk, nor does he suffer any disadvantage by putting in an application and not prosecuting it later.

Mr. President : Clause under consideration, amendment moved—

That in clause 24 for the words "when an application has been made to the board under section 8," the following be substituted:—

On the passing of an order by the board staying further proceedings against the debtor.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East, Rohtak, non-Muhammadan, Rural) : Sir, Mr. Puri argued that courtesy required that before proceedings were stayed a civil court should be asked by a conciliation board to stay further proceedings. If proceedings are stopped automatically in consequence of the law as we propose to make it under this clause, it will not be polite. I have not been able to follow this argument. If proceedings in a civil court are stopped in consequence of an impersonal law, there is no question of impoliteness or heart-burning, while on the other hand there may be some reason for regular courts to feel a little resentful if the order comes from a conciliation board. Any way I do not attach much importance to this argument. If that argument falls to the ground, there does not seem to be much force in the other. He says, there is no reason why a civil

[R. B. Ch. Chhotu Ram.]

court should not be allowed to wait until it has actually received an order staying proceedings. But why? After all, nobody is interested, it is not to the advantage of anybody that proceedings in respect of the same matter should go on in two courts simultaneously. If the case has once come up before a conciliation board and the decision of the conciliation board is to be given effect to the best thing is that proceedings in the ordinary civil courts should come to a stop at once. It is only fair that we should desire our conciliation boards to become effective working bodies to the exclusion of ordinary courts in this class of cases. Therefore I oppose this amendment.

The Honourable Mr. D. J. Boyd (Finance Member): Sir, it seems quite impossible to adopt this amendment. You might as well have two courts dealing with the same suit simultaneously and giving contrary decisions.

Mr. President : Question is—

That in clause 24 for the words "when an application has been made to the board under section 8," the following words be substituted:—

On the passing of an order of the board staying further proceedings against the debtor.

The motion was lost.

Mr. J. D. Anderson (Legal Remembrancer): Sir, I beg to move—

That in clause 24, line 2, for the word and figure "section 8," the word and figure "section 9" be substituted.

The motion was carried.

Mr. Mukand Lal Puri (Punjab Industries): Sir, I beg to move—

That the following proviso be added to clause 24:—

Provided that no proceedings before a board shall continue for more than a period of three months, and if no final order is passed by the board within three months after the date of the application to the board, the application shall be considered to have been dismissed.

The next amendment has also the same end in view, and it reads as follows:—

Provided that no proceedings before a board shall continue for more than a period of six months, and if no final order is passed by the board within six months after the date of the application to the board, the proceedings shall be considered to have been dismissed.

These are amendments which the zamindar members, if they wish to work these boards honestly, should welcome and to which even the Government ought to have no objection. The idea underlying these amendments is that the proceedings before the conciliation boards ought not to be allowed to drag on for an indefinitely long time, that is, the conciliation boards should send for the parties without loss of time and arrive at a quick decision, and if a decision is not or cannot be arrived at they should cease forthwith to meddle with the matter. It is with that idea that I have sent in these two amendments which are alternative to each other. If you think that a period of three months is too short, though in my opinion it is quite ample, you may reject my first amendment and accept my second amendment which provides a period of six months. I wish the House to realise what appears quite clear to me, that if any proceedings are allowed

to drag on before a conciliation board for a period exceeding six months, it would be entirely an abuse of the proceedings before the board. The effect of these proceedings is to give freedom to the debtor from all civil processes from suits, executions, insolvency proceedings, etc., etc., and the conciliation boards should not be permitted to be used simply with that object. My idea is that the proceedings before these boards should be finished with as great a despatch as possible, and six months is quite a sufficient and long period for any matters that would be decided by these boards. After all, is it the idea of the Government or of the supporters of these boards that an application may continue pending before the conciliation board for a year or for a period exceeding six months? Some time limit should be fixed. It would exercise a very wholesome influence on the conciliation boards themselves. They will be induced to work with a certain amount of despatch. If you think that the period of six months is too short, make it nine months or even longer if you please, but you must put a limit to the time that the conciliation boards should take in disposing of their applications.

Mr. President : Clause under consideration, amendment moved—

That the following proviso be added to the clause :—

Provided that no proceedings before a board shall continue for more than a period of three months, and if no final order is passed by the board within three months after the date of the application to the board, the application shall be considered to have been dismissed.

Or, in the alternative,

Provided that no proceedings before a board shall continue for more than a period of six months, and if no final order is passed by the board within six months after the date of the application to the board, the application shall be considered to have been dismissed.

Khan Bahadur Nawab Muhammad Hayat Qureshi (Shahpur West, Muhammadan, Rural) (*Urdu*) : Sir, I rise to oppose the motion now before the House. It is a novel principle which is intended to be introduced in this connection. I have never heard of any such provision in any other law, and I am aware that no time limit has ever been fixed in deciding cases in the case of any court. If this amendment is accepted it will certainly frustrate the whole object of the Bill. In case a time limit is fixed as has been proposed, it will be very easy for the creditors to get the applications of the debtors dismissed. They will take care not to have the summons served on them for the period which will be fixed for the boards to decide cases coming up before them and thus the boards will be turned into a nullity. This amendment, therefore, must be rejected, and it should be left to the good sense of the boards to decide cases coming up before them as early as possible.

Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural) : I am sorry to observe that from the opposite section of the House there have been moved various amendments, all to the effect that they want to set at naught the provisions contained in the Bill regarding conciliation boards. At first there was an amendment of the honourable member, Mr. Mukand Lal Puri, that the whole part be omitted. When that failed he is bringing in amendments after amendments to set at naught the wholesome provisions contained in this part of the Bill.

[Ch. Riasat Ali.]

The question of speedy disposal is not the question before us to-day. Neither is it the question of accumulation of arrears. It is justice that we want and not speedy disposal. We do not mind even if it takes a year or more than a year to effect an honourable and amicable settlement between the creditor and the debtor. What we want is that relief and just relief should be given to the man who is suffering and who is in debt, and who has been ruined on account of the usurious methods of the creditors. Time is not the essence of the thing, but it is the thing itself. It is the justice which we want, however long it may take to achieve it. Moreover, as has been said by the honourable member, Nawab Muhammad Hayat Qureshi in the case of the district magistrates working under Government, it is the magistrates themselves who are responsible for the speedy disposal and no hard and fast rules are prescribed. Nor are there any rules in regard to the revenue, judicial or criminal courts of the land. So far as this aspect of the question is concerned, it is left actually to the good sense of the men in charge of the districts to provide remedial measures so that justice might be done without any unnecessary delay.

Again, this proposal is impracticable and unworkable. Supposing there are many creditors, some of them living in distant districts or there are others who want to evade service in order to take advantage of this provision. There might be persons who do not want that service should be effected on them. Under these circumstances if we fix a certain time limit within which the proceedings are to come to an end *ipso facto* I do not think we would be giving any relief to debtors and the object of the whole Bill will be marred. Let it be left to the executive government, as in all other respects, to use their discretion and see that these judges or members, whatever they might be called, do not sleep over the matter. Let it be left to Government itself that it should awaken those who are in their deep slumber and drive them to do speedy justice. The mover himself is not sure of the period which will be taken in finishing the proceedings before those boards. In the first instance, he suggests, let it be three months; then he says, let it be six months, and in his speech he says he will not mind the period being extended to one year. He himself in his heart of hearts is not sure that he can fix a time limit within which these proceedings might come to an end. Such a provision that if the board fails to finish the proceedings within a certain period, the application will be considered to be dismissed whitewashes the whole effect of the Bill and is most injurious to the interests of those to whom relief is sought, to be given. With these words I oppose the amendment.

Mr. J. D. Anderson (Legal Remembrancer): As I understand the intention of this part of the Bill, it is that proceedings should be finished not in months but in days. But this amendment if carried will, I think, defeat the very intention of the whole of this part. Fix an arbitrary period, make it three months, make it six months or make it seven years, you will find some creditor who for his own ends will deliberately make it impossible to ever come to a decision. He will play out time. I think we must trust to the good sense of the boards in the matter. I oppose the amendment.

Mr. Mukand Lal Puri : I entirely agree with what the learned Legal Remembrancer has pointed out that if these conciliation boards are to be at all useful they will have to act with despatch and the proceedings before them would not be delayed. I am also in complete agreement with him that it should not be possible for any creditor to oust the jurisdiction of conciliation boards by any dilatory tactics on his part. I am quite prepared to obviate the possibility of any dilatory tactics being employed by the creditor, and with your permission, may I suggest to the Honourable Legal Remembrancer if he would accept either of my amendments with the addition of the words "unless for reasons to be stated the board considers it desirable to extend the period." So that in cases where the proceedings are being really delayed by the creditor, say, by some creditor not coming in, by another creditor avoiding service of notice, it will be open to the board to extend the time for another three or six months. I do not believe that it is possible for any creditor to prolong proceedings by evading service as service of notice is prescribed to be by registered post. But I am quite prepared to accept any amendment which may rule out even a remote possibility of this being attempted or done. Therefore, the only objection to this proposal which has been raised by the honourable member from Gujranwala and by the Legal Remembrancer will disappear if discretion is given to the boards to extend the period in special cases. It is very necessary to emphasize that the proceedings must be finished soon. My honourable friend from Gujranwala said, there are no limits fixed on the time which a court might take to decide a case. Conciliation boards are very, very different from courts. They are not bound by any rules of evidence or procedure, nor have they to give any decisions which take time. And further the effect of the institution of a suit in a civil court is not to stay all proceedings. In proceedings relating to conciliation boards it is the interest of one party, the debtor, to see that conciliation proceedings are delayed indefinitely because if they are dismissed ordinary civil proceedings would restart against him. If they are not dismissed but a compromise is effected, he has got to pay something. Therefore, it is to the interest of the debtor to prolong the proceedings as far as he can because both in the case of dismissal of his application and of the passing of a decree he is to suffer. It is, therefore, essential to put some limit to the length of time for which these proceedings could be dragged. Therefore, if the Government is prepared to accept my suggestion I am willing to add to the amendment the words I have already read out. This would meet the only objection which has been pointed out to these amendments and help in carrying out the views of the Government, as indicated in the speech of the Legal Remembrancer.

The Honourable Mr. D. J. Boyd : I would prefer to leave the clause as it is.

Mr. President : The question is—

That the following proviso be added to clause 24 :—

Provided that no proceedings before a board shall continue for more than a period of three months, and if no final order is passed by the board within three months after the date of the application to the board, the application shall be considered to have been dismissed.

The motion was lost.

Mr. President : The question is—

That the following proviso be added to clause 24 :—

Provided that no proceedings before a board shall continue for more than a period of six months, and if no final order is passed by the board within six months after the date of the application to the board, the application shall be considered to have been dismissed.

The motion was lost.

Mr. President : The question is—

That clause 24 as amended stand part of the Bill.

The motion was carried.

Clause 25.

Mr. President : The amendment standing in the name of Kanwar Mamraj Singh Chohan proposes the substitution of a new clause for clause 25. But in effect he proposes three amendments to the existing clause, *i.e.*—

- (i) the words " of this Act " be inserted in line 6 after the words " part IV " ;
- (ii) the words " or appeal " be added at the end of the clause ; and
- (iii) the words " or when counting the period for the purposes of interest, " be added to the clause.

The honourable member will move these amendments one by one.

Kanwar Mamraj Singh Chohan : Very well. I beg to move—

That the words " of this Act ", be inserted in line 6 of clause 25, after the words " part IV."

The motion was carried.

Kanwar Mamraj Singh Chohan : I move—

That at the end of the clause the words " or appeal " be added—

The motion was carried.

Kanwar Mamraj Singh Chohan : I beg to move—

That at the end of the clause the following words be added :—

Or when counting the period for the purposes of interest.

By this amendment I wish to point out and place before the House one fact. The ordinary applications before the board by a creditor or by a debtor will continue ordinarily for some time like six months or five months, or they may ordinarily go in some cases to three years or two years or more than one year. The proposal of Government at present is that when counting the period of limitation this period should be excluded, that is, a suit which was to be brought after four days when an application has been filed by any party and the application has been going on for two years that suit can be filed after two years and four days. For this period of two years for which the application has been pending before the boards, I hope that the debtor will not be compelled to pay interest. It is in favour of the debtor himself that for the period for which the time of limitation is extended he should not be compelled to pay more interest. That is, his liabilities should be the same before the filing of the petition ; and if the petition ends in dismissal after the petition has been disposed of by the board. The period which has been taken for the petition when it is not allowed in the limitation should

not be allowed in the interest too. With these words I put my amendment before the House.

Mr. President : The amendment moved is—

That at the end of clause 25 as amended the following words be added :—

Or when counting the period for the purposes of interest.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural) : I support this amendment. In fact it is very necessary. Without this amendment it would be the case that a long time may be spent in the proceedings before the conciliation board, and during that time the creditor will continue to enjoy his interest, and it is to his interest that you may prolong the period. If it is not done then he will try all sorts of means to prolong the proceedings, and he will be taking an advantage for he will be drawing interest all the same while the board is working at conciliation meetings and thus the debtor will suffer. Whether a settlement is arrived at or not, the creditor will be at an advantage, for this period will not be a bar to a fresh suit or for appeal or application or anything while it will be to his advantage to get interest during this period. Why in the original Bill this provision was not put down, I think, is that there was no idea about it, but still the thing is there. I think this is a salutary provision and we should accept it.

Lala Chetan Anand (West Punjab Towns, non-Muhammadan, Urban) (Urdu) : Sir, I rise to oppose this amendment. You are aware, that it has already been provided that the making of an application to a board will automatically have the effect of staying all proceedings in the civil courts, and if to this provision the proposed provision is also added whereby interest on loans will cease to be counted from the date of the application to the date of its disposal, you will certainly tempt even those persons to make frivolous applications to the boards who will not be entitled to make such applications. It is a simple reason, and I am sure it will not fail to appeal to the Government. I hope that this amendment will be rejected.

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan, Rural) : I have nothing more to add with respect to this amendment. It does not fit in where it has been placed. The clause was designed exclusively for extending the period of limitation for suits and applications and other remedies, and it does not come within the 40 per cent. rule. The real disabilities with which the dissenting creditors were to be saddled have been disposed of in the substantive clauses of the Act, and it is really inadvisable that this further disability should be shoved in in this clause which is intended for other purposes. Secondly, it is equally obvious that every person, whether he is entitled under this Bill to present an application or not, may have an application presented simply for the purpose of suspending the interest that accrues on debts which are due by him, and this would let in frivolous applications *ad libitum* which it is not the intention of the legislature to let in. On these grounds I beg to oppose this amendment.

Mr. President : The question is—

That at the end of clause 25 as amended the following words be added :—

Or when counting the period for the purposes of interest.

The Council divided : Ayes 38 ; Noes 36 ;

AYES.

Abdul Ghani, Shaikh.
 Afzal Haq, Chaudhri.
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Akbar Ali, Pir.
 Allah Dad Khan, Chaudhri.
 Bahadur Khan, Sardar.
 Chhotu Ram, Rao Bahadur, Chaudhri.
 Faqir Husain Khan, Chaudhri.
 Habib Ullah, Khan Bahadur Sardar.
 Haibat Khan Daha, Khan.
 Jawahar Singh Dhillon, Sardar.
 Mamraj Singh Chohan, Kanwar.
 Mazhar Ali, Azhar, Maulvi.
 Mohindar Singh, Sardar.
 Mubarak Ali Shah, Sayad.
 Muhammad Abdul Rahman Khan, Chaudhri.
 Muhammad Eusoof, Khwaja.

Zaman Mehdi Khan, Khan Bahadur, Malik.

Muhammad Hasan, Khan Sahib Makhdum Shaikh.
 Muhammad Hayat Qureshi, Khan Bahadur Nawab.
 Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
 Muhammad Raza Shah Gilani, Makhdumzada Sayad.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfaraz Ali Khan, Raja.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Nur Ahmad Khan, Khan Sahib Mian.
 Nur Khan, Khan Sahib, Risaldar Bahadur.
 Nurullah, Mian.
 Ram Sarup, Chaudhri.
 Riasat Ali, Chaudhri.
 Sampuran Singh, Sardar.
 Ujjal Singh, Sardar Sahib Sardar.
 Umar Hayat, Chaudhri.

NOES.

Anderson, Mr. J. D.
 Askwith, Mr. A. V.
 Beant Singh, Sardar Sahib Sardar.
 Bhagat Ram, Lala.
 Bourne, Mr. F. C.
 Boyd, The Honourable Mr. D. J.
 Chetan Anand, Lala.
 Fazl Ilahi, Khan Sahib Shaikh.
 Ferguson, Mr. J. A.
 Firoz Khan Noon, The Honourable Malik Sir.
 Gokul Chand Narang, The Honourable Dr.
 Gopal Das, Rai Sahib Lala.
 Grindal, Mr. A. D.
 Hearn, Mr. J. W.
 Kesar Singh, Rai Sahib Chaudhri.
 Labh Chand Mehra, Rai Sahib Lala.
 Labh Singh, Mr.
 Latifi, Mr. A.
 Lekhwati Jain, Shrimati.

Macfarlane, Mr. D.
 Manohar Lal, Mr.
 Marsden, Mr. P.
 Mayadas, Mr. Ernest.
 Mukand Lal Puri, Mr.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Narendra Nath, Diwan Bahadur Raja.
 Nihal Chand Aggarwal, Lala.
 Nur Elahi, Khan Bahadur Shaikh.
 Pandit, Mr. Nanak Chand.
 Puckle, Mr. F. H.
 Rahim Bakhsh, Maulvi, Sir.
 Roberts, Mr. W.
 Sewak Ram, Rai Bahadur Lala.
 Shave, Dr. (Mrs.) M. C.
 Sheo Narain Singh, Sardar Bahadur Sardar.
 Sikander Hyat-Khan, The Honourable Captain Sirdar Sir.

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

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

That in clause 25 the following words be added at the end :—

But no creditor who was not actually a party before the board would be entitled to this exclusion of time.

This advantage of the exclusion of time should be given only to those who do appear before the board with a clean hand and in an honest way. The very essence of the conciliation board is that the debts should be liquidated, and, therefore, those who do not come before the board should not get this benefit of exclusion of time.

5 P. M.

Mr. Deputy President: Clause under consideration, amendment moved—

That in clause 25 the following words be added at the end :—

But no creditor who was not actually a party before the Board would be entitled to this exclusion of time.

Mr. Mukand Lal Puri (Punjab Industries): The honourable mover of the amendment has entirely misunderstood the purport and intention of the clause which has just been enacted. The extension of time is proposed to be given only to those persons who are prevented from seeking their relief in courts during the pendency of proceedings before the conciliation boards. If a person is prevented from applying for execution of his decree because of an application having been put in before the conciliation board, he is given an extension of time, inasmuch as he is being prevented by statute from seeking his ordinary remedies. Besides, he is given an extension of time only for the time that he is so prevented. Such a provision exists in almost all similar statutes. No difference can be made or should be made between persons who are 'a party' before the conciliation board and those who are alleged to be 'not a party' before the board. In fact every creditor is a party before conciliation boards whether he is present or not.

Mr. J. D. Anderson (Legal Remembrancer): I have very little to add to what Mr. Puri has explained to the House. But I would like to ask one question of the mover of the amendment. When does a party begin to be a party before the board and when does he cease to be so? It must also be remembered that these proceedings before the conciliation boards are very informal, and a part of their strength lies in the informality, and it is difficult to employ in practice the test which the honourable member has suggested in his amendment.

Mian Nurullah: In view of the explanation given by the two previous speakers, I beg leave to withdraw the amendment.

The motion was by leave withdrawn.

Mr. Deputy President: The question is—

That clause 25 as amended stand part of the Bill.

The motion was carried

Clause 26.

Mr. Deputy President : The question is—

That clause 26 stand part of the Bill.

The motion was carried.

New clause after clause 26.

Mr. Mukand Lal Puri (Punjab Industries) : I beg to move—

That the following be added between clauses 26 and 27 :—

Notwithstanding anything to the contrary contained in the Court Fees Act (Punjab Amendment), court fees on all suits in respect of debts to which this part of the Act applies shall not exceed Rs. 10.

This is a genuine relief which I ask the House to give to the debtor. Under the law as it stands it is well-known to the House that the costs of litigation are paid by the party against whom the case is decided. If a plaintiff brings a suit against a defendant, although it is the plaintiff who has to pay the court fees in the first instance, ultimately it is realised from the debtor. Thus the amount of decretal debt is enhanced by the amount of costs. The costs are by no means a very insignificant portion of the decretal debt which exists in this province. For suits below Rs. 500 the court fee is 7½ per cent. and for suits above Rs. 500 the court fee is charged at 11½ per cent. That is not all. In addition to that lawyers' fees also add to the costs. Their charges are usually 5 per cent., but for higher amounts they are on a reduced scale. In addition to this a certain amount is spent on witnesses, a certain amount is spent on stamps on various applications and other matters. Thus when a decree for a suit, say, for Rs. 100 is given the total which the debtor has to pay amounts to Rs. 125 at least if the suitors do not go to the appellate courts. If the suit goes to the appellate stage, the amount of taxed costs is much higher which ultimately falls on the debtor. Therefore I propose that in cases where ultimately the decretal debts may have to be scaled down by conciliation boards, the amount of court fee which the State should realise in the first instance from plaintiffs should not exceed Rs. 10 so that the amount of decretal debt may not increase unnecessarily.

The Honourable Mr. D. J. Boyd : May I know what the honourable member exactly means by this amendment? Does he mean to say that the court fee in suits filed in civil courts should not exceed Rs. 10 irrespective of the value of the suits, or does he mean that the fees charged for applications filed before the conciliation board should not exceed Rs. 10? There seems to be an ambiguity in the amendment.

Mr. Mukand Lal Puri : I am referring to all suits in respect of debts to which this part of the Bill applies.

The Honourable Mr. D. J. Boyd : Does it refer to suits in civil courts before the conciliation boards?

Mr. Mukand Lal Puri : All suits within the area to which conciliation boards have been extended and which can be referred to them. (*An honourable member :* The cat is now let out of the bag). No. The cat was never in the bag. It was very much in front of the honourable members all the time. My proposal is perfectly simple and unambiguous. It is that

with respect to suits which are cognisable by the conciliation boards, i.e., money suits, the court fees shall not exceed Rs. 10. (*Interruption*). The position is perfectly clear, if the honourable member would quietly listen. With respect to suits which are within the cognisance of a conciliation board, i.e., which can be taken to a conciliation board and which are instituted within an area to which this part of the Bill is made applicable, the State itself should at least do nothing which would add to the burden of the debt. It is hardly fair—I put it to the members on the official benches—to ask a creditor to pay 11½ per cent. and then say to him as soon as he has obtained a decree, “We will not assist you in realising that decree, we will stay its execution, but we will send you to the conciliation board to scale it down, the effect of which may be that you will neither get anything of the principal nor of the interest, and possibly you may not get even what you have paid in the form of court fee.” Again a suit may be instituted and court fee paid. The debtor can get the suit stayed by putting in an application. Is it fair that the State should charge such heavy court fee when it does not undertake to decide the case? Will the State refund the court-fee? I ask for this relief, however, not only in the interest of the creditor—although it is only fair that when the State is not assuming responsibility for the execution of decrees or for even the trial of suits, it should not charge a heavy amount of court fee,—but also and mainly in the interest of the debtor, because ultimately the incidence of the court fee and other expenses falls upon the debtor. It is, therefore, only fair that in the districts where this extraordinary piece of legislation is to be made applicable the State should not increase the burden of the debtor in this artificial manner and thus swell the amount of debt in the locality whose bad economic conditions have justified the extension of this legislation to that area. Therefore, Sir, my reason for this amendment is the reason which is alleged to have induced the Government to introduce this legislation, and I commend it for the acceptance of the House.

Mr. Deputy President: Clause under consideration, amendment moved —

That the following clause be added between clauses 26 and 27:—

Notwithstanding anything to the contrary contained in the Court Fees Act, (Punjab Amendment), court-fees on all suits in respect of debts to which this part of the Act applies shall not exceed Rs. 10.

Rao Bahadur Chaudhri Chhotu Ram (South East-Rohtak, non-Muhammadan, Rural): Sir, I agree with Mr. Puri that the level of stamp duties is very high, and I should welcome a suitable opportunity for some reduction of court fees. But this is neither the time nor the occasion for seeking an amendment of the Court Fees Act. If my friend wants that the level of stamp duty should be brought down, he ought to move in a proper manner; in other words, he ought to move separately an amendment of the Court Fees Act itself. (*Mr. Mukand Lal Puri:* Will you oppose it again?) I cannot say yet. It really depends upon the character of the amendment which he seeks to make. But so far as the present amendment is concerned, I must certainly oppose it. So far as I am concerned, I had no doubt in my mind that what Mr. Puri wanted was to reduce the scale of court-fees on suits in civil courts, because so far as the present Bill is concerned, we have not given the designation of suits to applications before conciliation

✓ [R. B. Ch. Chhotu Ram.]

boards. But there was some hope in the minds of some people that possibly Mr. Puri wanted to restrict his amendment to applications before conciliation boards. One of the reasons which incline me to oppose this amendment is that it will result in a serious shrinkage of provincial revenues, and if we lose, say, about 20 or 25 lakhs or even 30 lakhs of our revenue in this way, how is the loss going to be met? The system of taxation in our province is such that whatever avenues you may explore, the burden is bound to fall on the zamindar. If there had been any other sources of revenue open to the Government they could have been availed of in the event of reduction of revenue in consequence of this amendment. I would certainly then have gone some way to support Mr. Puri's amendment, because I could have asked the Government to tap those fresh sources of revenue which would have affected classes other than agriculturists. But now whatever deficiency has to be made up by Government in its revenues, it can only be done by imposing an additional burden on agriculturists. That is one reason. Another reason why I am opposed to this amendment is that a lower scale of court fees in respect of applications before conciliation boards will be a definite incentive to creditors to come before conciliation boards, because they cannot at present finance litigation in ordinary courts. If you reduce the scale of court fees in respect of suits in civil courts, that would be a reason for creditors not to come before conciliation boards, but to seek their remedies in civil courts with a reduced scale of court fees. On these grounds I oppose this amendment.

Chaudhri Allah Dad Khan : I oppose this amendment.

Lala Bhagat Ram (Jullundur-cum-Ludhiana, non-Muhammadan, Rural) (Urdu) : Sir, the honourable members who have opposed this motion have stated that by accepting it we would be increasing the work of the civil courts inasmuch as a large number of cases will be filed before them instead of their being filed before the conciliation boards. The honourable members have always said that the zamindars are poor and that they cannot afford to pay so much in the form of court fees, etc. They have always stressed the necessity of reducing the court fees and other expenditure incurred on cases that go to the courts. But now they are opposing this motion by which it is intended to reduce the expenditure that is incurred for fighting cases in the courts.

Mr. Deputy President : The honourable member is repeating the argument already advanced.

Lala Bhagat Ram : Sir, I am saying that all the expenditure that is being incurred for fighting out cases in the courts in the long run falls in the form of costs on the debtor. Now, what is the use of burdening the debtor by the cost of a case which he has to incur in the long run? In the first instance, what is the use of making the sabukar spend so much on a suit and then realising it from the poor debtor in the form of costs of that case? There is therefore no harm if this motion is accepted.

Mr. Mukand Lal Puri : Chaudhri Chhotu Ram has admitted that the court fees in this province are very high and almost prohibitive, and he would welcome any proposal for their reduction if it is brought before the

House on another occasion. But I fail to see why if he considers the reduction desirable, he is opposing my amendment on this occasion. One reason that he has given is that it would mean a loss of revenue to the Government. He has unnecessarily exaggerated, and I think wrongly calculated the loss which the Government is likely to suffer in this connection. In the first instance, I am not proposing at this stage a general lowering down of court-fees all over the province. According to my amendment it will only apply to the district or tahsil or areas to which this part of the Bill is extended. Therefore, the loss in revenue under the head court-fee is not likely to be at all appreciable. Again, this reduction in court-fee is not an all round reduction. It is confined to one class of cases only. It is not to apply for instance to suits for possession of property, to suits for injunction and to numerous other classes of suits provided in the Court Fees Act. The reduction proposed by me will apply to that class of cases only which are covered by the provisions relating to conciliation boards. Therefore, the suggestion made by Chaudhri Chhotu Ram that this amendment is likely to considerably affect the revenues of the province is not correct. Besides, suggestions have been made repeatedly, though always unheeded, that when reduction of debt is being contemplated and decided upon when a certain class is to be penalised and the debts are being forcibly reduced, is it not the duty of the Government to help in some manner and come forward with some kind of assistance? We know that the Government has definitely refused or has found itself unable to give any kind of assistance in the form of advancing loans to agriculturists, or even otherwise in the form of at least assisting in the realisation of the scaled down debts as arrears of land revenue, as has been done by the Central Provinces Government. Therefore, I suggest now a very small relief to the tax-payers, i.e., that the Government should not charge court-fee in districts with respect to these debts, which court-fee is ultimately to fall on the debtor himself. It will be ultimately a relief to the debtor, and it will be bare justice to the creditor to charge less court fee from him when the State is abandoning the duty of passing decrees or executing them. Why should the Government in this case, when calling on the whole body of creditors to forego their debts, not be prepared to forego this little amount of court-fee with respect to those suitors at least whom it is depriving of their legitimate remedies by this legislation.

Mr. Deputy President : Question is—

That the following clause be added between clauses 26 and 27 :—

Notwithstanding anything to the contrary contained in the Court Fees Act (Punjab Amendment), court fees on all suits in respect of debts to which this part of the Act applies shall not exceed Rs. 10.

The motion was lost.

Clause 27.

Shaikh Abdul. Ghani (West Punjab Towns, Muhammadan, Urban) :
I beg to move—

That in clause 27, sub-clause (1), item (c), the following words be added at the end :—
Their academic or other qualifications or the class to which they belong.

Mr. Deputy President : Clause under consideration, amendment moved—

That in clause 27, sub-clause (1), item (c), the following words be added at the end :—
Their academic or other qualifications or the class to which they belong.

The Honourable Mr. D. J. Boyd (Finance Member): I must resist this amendment. It is totally unnecessary to tie the hands of Government and to fetter their discretion by laying down in the rules the academic or other qualifications or the class to which they belong. I think it is highly desirable that we should be able to appoint to the conciliation board a man of the meagrest academic qualifications if he is a really good man. For instance, one of the ablest men in the Ministerial Staff of the province, at present is a man who has only passed the Matriculation examination. If we start prescribing literary qualifications and that sort of thing we may exclude some people eminently suited for the purpose of members of conciliation boards. I think it is quite unnecessary, and I hope the member will not press his amendment.

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

Shaikh Abdul Ghani: I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadan, Rural): Sir, I beg to move—

That sub-clause (2) of clause 27, sub-clause (3) of clause 31 and sub-clause (4) of clause 37 be omitted and a separate clause at the end of the Bill be added to the following effect:—

The power of making rules conferred by sections 27, 31 and 37 shall be subject to the condition that the rules be made after previous publication.

Mr. President: At this stage the honourable member cannot bring in clauses 31 and 37. The only clause now before the House is 27. His amendment appears to be a desirable one, but it might be left to the Legal Remembrancer to suggest as one of the consequential amendments.

The Honourable Mr. D. J. Boyd: It might be very useful to learn the reason which actuated the honourable member to give notice of this amendment.

✓ **Rao Bahadur Chaudhri Chhotu Ram**: In order to make my motion admissible, I will make this motion only in respect to the clause which is actually under discussion, and after I have made that motion I will give my reasons. I beg to move that—

That sub-clause (2) of clause 27 be omitted.

My reason is that a clause to the effect that the power of making rules shall be subject to the condition that the rules be made after previous publication, has been repeated several times in this Bill. Instead of repeating it in several places I think it may serve just the same purpose if we put it as one clause in general terms.

Mr. J. D. Anderson (Legal Remembrancer): The only reason why this clause has been repeated wherever rule-making power has been given in the Act is that this Act is going to be used, and if one reads each clause by itself it is possible that one might lose sight of a general clause providing for rule making-power at the end. People do make mistakes. In my own experience I regret to say that they read the clause which immediately affects them and then forget to look at the end of the Act where there is a general clause governing the other clauses.

The Honourable Mr. D. J. Boyd : It would appear to be a matter for the drafting committee.

(Rao Bahadur Chaudhri Chhotu Ram agreed not to press his motion.)

Mr. President : The question is—

That clause 27 stand part of the Bill.

The motion was carried.

Clause 28.

Mr. President : Question is—

That clause 28 stand part of the Bill.

The motion was carried.

New clause after clause 28.

Mr. Mukand Lal Puri (Punjab Industries) : Sir, I beg to move—

That the following clause be added after clause 28 :—

This Act shall not apply to any loan advanced after December 1931.

The important question which the House should decide is, are these conciliation boards intended to be a permanent feature of the Punjab Statute Book or are they being constituted to meet an extraordinary situation which is alleged to have arisen out of the present alleged abnormal agricultural situation? One of the reasons given for adopting this extraordinary measure is that on account of the fall in prices of agricultural commodities the debts which were borrowed during a period of inflation have assumed high proportions, and it is necessary to scale them down, and it is also alleged that certain amount of debtors feel that their debts have exceeded beyond their capacity to pay in certain parts of the province. If that is so, then it will be improper to place on our Statute Book a legislation which is called for to meet a particular situation, permanently for all times. It will be very harmful. Supposing we reached normal times and it is found that there should be no restriction on the advance of loans. If this part of the Act is in force then the creditors will be very nervous in advancing loans because of the uncertainty inherent in procedure contained in this Part. Supposing three years hence it is not necessary to resort to this Act, the mere existence of this Act and the mere fact that the Government can extend that Act to any part will deter creditors from freely advancing money and will also prevent them from seeking the assistance of courts because they know that the Government might at any time extend the Act to that district and interfere with them. Similar provisions restricting operation of such legislation have been made in certain United Provinces Bills, and provisions have been confined to debts which were borrowed during the period of inflated prices. Therefore my submission is that this House should not place on the Statute Book this legislation for all time to come, but it should confine it to debts which were borrowed before December 1931. After December 1931 prices have not been inflated and no relief is called for, with respect to debts which had been borrowed since December 1931. So I propose that this Act be confined to debts which were borrowed before the 1st of December 1931. This date, 1st of December 1931, I have taken from the United Provinces Bill.

Mr. President : It has been proposed that the following new clause be added :—

This Act shall not apply to any loan advanced after December 1931.

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muham-madan, Rural) (*Urdu*) : Sir, I have stood up to oppose the amendment moved by my honourable friend who has just resumed his seat. (*Cries of "Well done" from rural benches*). My honourable friend, Mr. Mukand Lal Puri, is seeking through his amendment to cut at the very root of the salutary provision relating to conciliation boards which are bound to considerably improve, rather than embitter, the relations of the creditors and debtors. If his amendment is accepted the result would be that the provisions of this Bill will apply to those debts which will have become time-barred by the time it is enforced as law. (*Voices : No, no.*) Honourable members have only to read the amendment once again in order to be convinced of that. Here it is—

The Act shall not apply to any loan advanced after December 1931.

Now, the Bill, if passed, will receive the sanction of the Viceroy in any case not before January 1935 ; and all debts incurred in or before December 1931 will have naturally become time-barred by that time. Then, what is the object, may I ask, of passing the law if no debts have to be covered by it ? If the law is not made applicable to loans advanced before December 1931 there will be hardly any work before the conciliation boards. In fact the very existence of these institutions will become meaningless. In other words, all the labour of the mountain will not yield a mouse in result. Moreover, the relations of the sahu-kars and the debtors will become all the more strained by the virtual negation of the provisions of this Bill. My friend, Mr. Mukand Lal Puri, has always been complaining that murders of sahu-kars in the province are on the increase owing to these strained relations between money-lenders and their debtors.

Mr. Mukand Lal Puri : I have never said so.

Pir Akbar Ali : He has said so many a time.

Mr. Mukand Lal Puri : No, no. It is wrong.

Kanwar Mamraj Singh Chohan : If the honourable member has not said so, many of his friends certainly have. I perfectly remember having heard such words from his lips. I have not got his speeches with me at this time. I will refer to them, however, during my speech on the last motion about this Bill.

Furthermore, all who are acquainted with conditions obtaining in rural areas know it perfectly well that something like conciliation boards already exist in the country-side. The sahu-kars do not generally sue their debtors in courts lest they should be wasting the money on court-fees, because there is little hope, under the present circumstances, of recovering the debts even if the decrees are awarded to them by civil courts. So when the debts are about to be time-barred, they request four or five gentlemen in the locality to intervene on their behalf and make the debtor through persuasion or pressure to pay a part of the debts or at least to renew the deed. I would make it clear to honourable members of this House, through you, Sir, that conciliation boards are sure to help the sahu-kars to a great extent. Under

the present conditions they hesitate to institute legal proceedings against their debtors as there is little hope of recovery even after getting the decrees. So they are not willing to part with a little money which they have with them in the shape of court-fees. Setting up of conciliation boards will help them out of their difficulties, and they will be able to recover a considerable portion of their bad debts. With these words, I oppose the motion now before the House.

Pir Akbar Ali : On a point of order. The amendment is that this Act shall not apply to loans advanced after December 1931. The Act has not yet been passed and the amendment will not be reached till we have considered the Bill. We are now only in part IV relating to conciliation boards. The amendment, therefore, is not in order.

Mr. President : The question is—

The following clause be added after clause 28 :—

This Act shall not apply to any loan advanced after December 1931.

The motion was lost.

Mr. President : The honourable member, Mr. Puri, will now move both the amendments standing in his name.

Mr. Mukand Lal Puri (Punjab Industries) : I beg to move—

That the following be added as a new clause after clause 28 :—

The provisions of this part of the Act shall cease to have effect from July 1936.

In the alternative—

That the following be added as a new clause to part IV :—

The provisions of this part of the Act shall be in force for a period of two years from the date of the commencement of the Act.

These are alternative amendments, and I place either of them before the House for consideration. These amendments do not suffer from the defect which has been pointed out by Pir Akbar Ali that they limit the operation of the entire Act to certain dates. In these two amendments I wish to limit the operation of the provisions relating to conciliation boards only and that too to a period of two years only from the date of the commencement of this Act.

The provisions relating to conciliation boards, it will be admitted on all hands, are of an extraordinary and revolutionary character. And, therefore, it is necessary that such a piece of legislation should not be permanently placed on the Statute Book but only for a definite period. If it is found at the end of that time, that the circumstances justify the continuance of this extraordinary piece of legislation, the Government could ask this House to extend the time. If the Government agrees, I am prepared to add the following words to my amendments "unless Government considers it necessary to extend it for another two years." If that would meet the desire of the House I would propose that amendment. Apart from the fact of having an ugly piece of legislation like this—and there is no other word by which I can call this part of the Bill—permanently on our Statute Book, my special grounds for asking the House to accept these amendments are these. Here are extraordinary powers being given to Government. One such power is that the provisions relating to conciliation boards can be

[Mr. Mukand Lal Puri.]

made applicable to debts without any limit. The discretion of the Government to extend the provisions as to conciliation boards to any amount of debt is unlimited. The power that has been conferred on the executive government is that they can extend the provisions to debts of Rs. 10,000 or upwards, without any limit. Another such power is that these provisions are now applicable to all kinds of debts, whether in towns or countryside, whether due from agriculturists or non-agriculturists. All the time Government is proceeding on the assumption that this Government—Messrs. Boyd and Sikander Hyat—will carry out the provisions of this Act. We have before us the speeches of the Honourable the Finance Member who introduced this Bill and of the present Finance Member to the effect that to start with, Government intend to treat this legislation as an experimental measure in one or two districts, and to extend it only to agriculturists and to rural areas. That is the declared intention of the present Government, and if they stick to this intention, as we hope they will, the harm and mischief which we contemplate is bound to arise from this legislation might be circumscribed within well defined limits. We do not know what might happen after two years. The present Government may not be there. The Government then may consist of persons who do not wish to place themselves within those circumscribed limits. Therefore, this Government should only take the powers which it will be in a position to use and for which it will be in a position to assume responsibility. The Honourable Leader of the House suggests that it is quite possible that the Government a couple of years hence might be so constituted as to make the provision relating to conciliation boards more drastic than they now are. Let me tell him that there are limits on the powers of every despot, at least the well known 'external and internal' limits, mentioned by Dicey in his constitutional law. In any case, I would not mind because then people who have to enforce this Act would be persons who will take responsibility for it, and they will not be able to take shelter behind the act of others: they would not be able to say that they are merely giving effect to a legislation enacted by the British, i.e., passed by their predecessors. Sir, you are fully aware that the iniquities of the Punjab Land Alienation Act are being more and more noticed and felt by all right-thinking men in this province.

Mr. President : May I ask the honourable member to speak to the motion?

Mr. Mukand Lal Puri : I am merely illustrating my point. Here is a piece of legislation which on account of the injustice it works and on account of unanswerable criticism to which it has been subjected, the present Government has now definitely declared: "We shall not extend the principles of the Act. But we shall not go back either. Zamindars have acquired certain privileges under this legislation which is the gift of a bureaucratic or benign Government. It is the Act of a Government in which we had no hand." It will similarly be said with respect to the conciliation boards, "it is the gift from our predecessors, and we are only carrying out what had been enacted by the previous Government." If this legislation is to be worked by those people who know its limitations, it is all right. But is it fair on the part of this Government to give this extraordinary piece of legislation in the hands of their successors, who are untried persons, in the

hands of persons who will only look to their self-interest and who may not perhaps be in a position to hold the scales even which the circumstances of the case require? There is, Sir, a real danger. I said the other day that my honourable friend, Rao Bahadur Chaudhri Chhotu Ram, if he as a Government were to assume responsibility for this legislation he would never be a party to highly unjust provisions as they have been enacted by this House, but sitting as he does on the other side, he chuckles in his sleeves when he makes the Government do these things at his dictation, without his sharing the least responsibility for these provisions. With these words I ask the Government to apply this part of the Act for the period I have proposed.

Mr. President : The question is—

That the following be added as a new clause after clause 28 :—

The provisions of this part of the Act shall cease to have effect from July 1936.

The motion was lost.

Mr. President : The question is—

That the following be added as a new clause to part IV :—

The provisions of this part of the Act shall be in force for a period of two years from the date of the commencement of the Act.

The motion was lost.

The Council then adjourned till 2-30 P.M., on Friday, 23rd November 1934.

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PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Friday, 23rd November 1934.

The Council met at the Council Chamber at 2-30 P. M. of the clock. Mr. President in the chair.

OATH OF OFFICE.

The following members were sworn in :—

Mr. C. C. Garbett (Chief Secretary).

Mr. R. Sanderson (Director of Public Instruction).

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

Clause 29.

Mr. J. D. Anderson (Legal Remembrancer): Sir, I beg to move—

That for clause 29 the following clauses be substituted :—

29. (1) 'Debtor' means a person who owes a debt and—
Definition.

- (i) who both earns his livelihood mainly by agriculture, and is either a landowner, or tenant of agricultural land or a servant engaged in agricultural pursuits of a land-owner or of a tenant of agricultural land ;
- (ii) who earns his livelihood as a village menial paid in cash or kind for work connected with agriculture.

Explanations—

- (a) A debtor shall not lose his status as such through involuntary unemployment or on account of incapacity, temporary or permanent, by bodily infirmity, or, if he is or has been in service of His Majesty's Military or Naval Forces, only on account of his pay and allowances or pension exceeding his income from agricultural sources.
- (ii) A debtor shall not lose his status as such by reason of the fact that he makes income by using his plough cattle for purposes of transport.
- (iii) A debtor shall not lose his status as such only because he does not cultivate with his own hands.
- (2) 'Agriculture' shall include horticulture and the use of land for any purpose of husbandry inclusive of the keeping or breeding of live-stock, poultry, or bees, and the growth of fruit vegetables and the like.

Shall I read out the second clause of the amendment? It is the same as clause 29 as drafted by the select committee.

Mr. President: That might be taken up after this has been disposed of.

✓ Rao Bahadur Chaudhri Chhotu Ram: Sir, I desire to raise a point of order. This very definition was under discussion when clause 7 was taken up. After a fairly lengthy and comprehensive discussion the Council came to the definite conclusion that the definition which is now proposed and

✓[R. B. Ch. Chhotu Ram.]

which was contained in clause 7 should be rejected. It would really be upsetting the decision of the House given after careful consideration and in a formal manner if this amendment is now allowed to be moved. The reasons why this particular definition should be rejected and why the definition which has actually been passed should be adopted were given *in extenso* by me on the day when that clause was under discussion. I may be allowed to repeat some of those grounds to-day.

The object of defining the word "debtor" in the manner in which it was defined was to make this Bill one of universal application. There are very material advantages in making the Bill of universal application.

Mr. Labh Singh : Would you permit a speech on a point of order ?

✓**Rao Bahadur Chaudhri Chhotu Ram :** I am raising a point of order and I am giving all the reasons which I think justify my doing so. Sir, this question has been specifically discussed and decided in this House in a formal manner and should not be allowed to be agitated over again.

Mr. J. D. Anderson : Sir, I anticipated the objection which the honourable Leader of the Unionist Party has now raised. Before I submitted this amendment I gave the matter full consideration to the best of my ability, and the opinion which I formed was that this amendment is a proper amendment and a necessary amendment, an amendment consequential on the decision which the House has taken on clause 7. I mentioned at the last meeting of the House that the measure which is before us is an omnibus Bill. It has all the defects and advantages which are inseparable from a Bill of that nature. The advantages are, I think, mainly administrative. They come into full effect after the passing of the measure. As regards the drafting of the measure, there are certain grave defects as I think we have already experienced in the course of these debates. I think that an omnibus Bill is one in which the object of the whole thing is one, but there are a number of parts. I should compare these parts to the passengers in a public vehicle. They are all going in the same direction. They are strangers one to another and they get out at different stages of the journey. The House has been considering the IVth part of the Bill which deals with conciliation boards. It is considered that in the course of the debate various members have expressed views about the scope of the Bill as a whole but they did that, Sir, in the course of the debate. The issue before them was not the Bill as a whole. It was not part V which they have not yet reached. It was part IV. I submit, that the principle which underlies debt conciliation boards is altogether different from that which we should consider when we discuss *damdapat* in part V of the Bill.

Mr. President : One of the elementary rules, of Parliamentary procedure and practice is that matters which are once decided by the House should not be allowed to be reopened in the same session. Another rule is that when an amendment to an earlier part of a Bill has been made, an amendment inconsistent with that amendment cannot be allowed to be made at a later stage. Therefore, I see no reason why the honourable member's amendment should be allowed. The only argument advanced in its favour is that it is an amendment to part V, while the definition

of the word "debtor" in clause 7 is in part IV. I am not sure that two entirely different definitions of the same word can be allowed to stand part of the same Bill, except with a clause to the effect that each of them will govern different parts of the Bill. But so far as I can see there is no such clause in the whole Bill.

Again, it is urged that the Council has been considering different parts of the Bill. The Bill is divided, no doubt, into parts; but no part as such has been considered or put to the vote of the House. The Honourable Finance Member's motion was "that the Punjab Relief of Indebtedness Bill be taken into consideration" and it was that motion which was carried and it is in pursuance of that decision of the House that the Council is considering the Bill clause by clause. Thus the whole Bill is under consideration and not any particular part of it. In other words, the Council is considering clause by clause the whole Bill and not any particular part of it. So long as the definition of the word "debtor," as passed in clause 7, stands, a different definition of the same word cannot be allowed. For these reasons I rule the motion to be out of order.

The Honourable Mr. D. J. Boyd (Finance Member): Sir, the consequences of your decision are very serious indeed. Before we proceed to anything else I would ask if we would be in order to move this amendment: For the purpose of this part of the Bill 'debtor' means a 'a person' and so on.

Mr. President: The definition of "debtor" as given in clause 7 is not in so many words confined in its operation to part IV of the Bill.

The Honourable Mr. D. J. Boyd: The matter is quite separate. It was never in the mind of Government that the principle of *damdapat* should apply to anybody else but the agriculturist debtor. It was the intention of Government from the very beginning that the principle of *damdapat* should apply only to agriculturist debtor. I would therefore suggest that you allow this amendment to be moved which will carry out the intentions of Government.

Mr. President: This being a new clause may we postpone its consideration for a short while to enable me to consider the propriety of allowing the amendment to be moved? I hope the House will give me a few minutes to make up my mind and in the meanwhile proceed to Part VI.

The Honourable Mr. D. J. Boyd: I think it might perhaps save the time of the House later should your ruling be contrary to my suggestion, if you also consider whether it would be in order to restore the definition of "agriculturist" which occurred in the original draft of the Bill and for the word "debtor" the word "agriculturist" is substituted. It is the definite intention of Government that this part of the Bill should apply to agriculturist debtor only. This is an alternative amendment suggested to carry out our intention. I do not want your decision now. You may give your considered ruling later.

Mr. President: Very well. We shall then proceed to Part VI.

PART VI.

Clause 30.

Rai Sahib Lala Labh Chand Mehra (Nominated, non-official) :
(Urdu) : Sir, I beg to move—

That in clause 30, for sub-clause (1) the following be substituted :—

Any person who owes money may at any time pay by means of a cheque on Imperial Bank of India a sum of money in full or part payment to his creditor and if that cheque is returned or refused by his creditor or the amount of the cheque not realized by him within a month, the debtor shall immediately deposit that amount in the court.

Sir, I have no fundamental difference with the substance of clause 30. My object in moving this amendment is simply this, that whereas the debtor has been allowed to deposit money in court at any time in full or part payment to his creditor, the latter too should be safeguarded against any undue hardship. It is a matter of common knowledge that it is no easy job to realize the money deposited in a court. The creditor has to spend many days before he comes by the money. And this difficulty becomes all the more acute and embarrassing when no interest is allowed to him after the money is deposited in the court. I hope the Government will see their way to accept my proposal and will provide facilities to creditors for the recovery of their money in the same spirit in which they have sought to relieve the creditors from the burden of interest, at least after they deposit money in courts. My proposal is that the debtor should send his creditor a cheque on Imperial Bank of India and if the latter does not realise the money the debtor should deposit the same in court. I want to make it clear, once again, that I have moved this amendment knowing full well that creditors are put to great inconvenience if any small quarrel arises. If the creditor and the debtor will quarrel over a single day's interest the debtor will be authorised under the present form of clause 30 to deposit the sum in a court and the creditor will be deprived of full twenty days' interest. It is from such difficulties that I want to save the creditors. I have no objection, however, to any other honourable member's suggesting any other method of ending the troubles of the money-lenders. My amendment may be accepted in an amended form if the House may so desire. But what I want to emphasise is the necessity of making it impossible for the debtors to create undesirable difficulties for creditors in the manner I have just referred to. With these words I move my amendment.

Mr. President : The new clause which is proposed to take the place of sub-clause (1) of clause 30 is—

Any person who owes money may at any time pay by means of a cheque on Imperial Bank of India a sum of money in full or part payment to his creditor and if that cheque is returned or refused by his creditor or the amount of the cheque not realized by him within a month, the debtor shall immediately deposit that amount in the court.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadan, Rural) : I am really surprised to find that an amendment of this character should have been moved by any member of this House. This amendment presupposes that a debtor has a balance in the Imperial Bank of India. Is it seriously contended that any appreciable proportion of our debtors whom we have in view in this Bill has any account with the Imperial Bank of India? And yet this amendment has been put forward, perhaps

seriously. I am surprised at the ignorance which has been displayed by Rai Sahib Lala Labh Chand Mehra.

Rai Sahib Lala Labh Chand Mehra : He can open an account.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** But he has no money.

Rai Sahib Lala Labh Chand Mehra : What he wants to pay he can put into the Bank and give a cheque.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I am simply incapable of making any reply to a stupid argument like that. If the debtors whom it is intended to benefit by this Bill were in a position of having accounts in the Imperial Bank of India at all, this Bill would not have been needed. We are dealing with a section of the population which has never even heard the name of any bank with the possible exception of village societies. My friend wants to insist that any deposit that is to be made in a court should be made in the court by means of a cheque on the Imperial Bank of India. The object is to spare the creditor a little trouble of going to courts in order to withdraw the money. In view of the fact that this amendment presupposes a state of things which does not exist in the case of at least 99 per cent. of the debtors, I cannot but oppose this amendment. Let me hope my friend will possibly think of withdrawing it.

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan, Rural) : I think Rao Bahadur Chaudhri Chhotu Ram has opposed the amendment simply for the sake of opposing it. The honourable the mover of the amendment is thinking of Amritsar and Rao Bahadur Chaudhri Chhotu Ram is thinking of the villages of Rohtak. Both of them are right and this reminds me of the six wise men of Hindustan who went to see an elephant. One touched the legs and thought that the elephant resembled a pillar; the other touched the ear and thought it resembled a huge fan and so on. Though all were in the right yet all were in the wrong. Let the payment, if possible, be made in the way suggested by the honourable member from Amritsar, in the way in which people living in big towns are familiar. The honourable member from Rohtak was saying a few minutes ago that the Act was going to be of universal application and if so, all debtors are not agricultural debtors; there are other debtors also. The Act will apply to wealthy debtors, to villagers as well as mercantile community. My friend who moved the amendment seeks to prevent the inconvenience incidental to depositing money in court. It does involve waste of time and waste of energy and is a troublesome affair. This can be avoided if we accept this amendment. We can have this as an addition to the course suggested in the Bill so that both ways may be open to the debtors, i.e., they may deposit in court or may pay by means of cheques. Let both the alternatives remain.

Mr. Mukand Lal Puri (Punjab Industries) : I think the honourable member from Amritsar has pointed out a real difficulty which is experienced in the course of business. He is thinking of transactions between traders which have to be met on particular days and where high rates of interest are not charged and interest is calculated up to the date of payment. Very

[Mr. Mukand Lal Puri.]

often there is a dispute with respect to interest for a few days only. The creditor considers himself entitled to it. The debtor insists upon remission but as he has not been given any remission he will deprive him of interest for a much longer period. He goes and deposits the money in court and from the date of deposit the interest is not calculated. Ordinarily speaking it will take at least a week to get the money from the court, unless a special machinery is devised for this purpose whereby the courts are directed to issue cheques at once, and during that week the creditor may badly need the money, he may have to meet a hundi or he may have to pay to his own creditors. You will be encouraging resort to this device between people who are not on good terms and who have fallen out especially in trading centres. Therefore some means should be devised by which these traders can be prevented from playing these tricks. As the Act is being made of universal application it is necessary to take note of this fact. The problems of Amritsar are certainly not the problems of Rohtak. No agricultural debtor is ever going to deposit money in court. This provision is useless as far as Rohtak is concerned, while this may create difficulties in Amritsar. For instance, if in such cases the money is deposited in court, say on 22nd December or 31st August, it will take a long time to draw the money and it will be a real difficulty for such people as the honourable member from Amritsar has in view. I think some way should be found to meet the point.

The Honourable Mr. D. J. Boyd (Finance Member) : In this amendment we once more come across the extremely awkward position into which the Bill is being put by the omission of the definition of debtor. The intention originally was that an agriculturist debtor might have facilities for paying off his debts. It has been urged fairly frequently that a creditor refuses to accept payment from an agriculturist debtor because he wants to keep him in his grip. It is in order to check this practice that this clause was inserted in the original draft of the Bill which read, "an agriculturist debtor may at any time deposit in court" and so on. Now the scope of the Bill has—and to-day I am convinced of it—absolutely wrongly been extended so as to include people who do not want help at all and the result is that we come across one complication after another. This amendment is the result of one of the complications. As the amendment is worded, I do not think it can possibly be accepted. Of course it is absurd to require an agriculturist debtor who is the person whom we want to benefit to sign a cheque on the Imperial Bank of India in favour of his creditor. Therefore if this amendment is accepted, the intention of the Government would be clearly defeated and for this reason I must oppose the amendment as it stands.

Mr. President : The question is—

That in clause 30, for sub-clause (1) the following be substituted :—

Any person who owes money may at any time pay by means of a cheque on Imperial Bank of India a sum of money in full or part payment to his creditor and if that cheque is returned or refused by his creditor or the amount of the cheque not realized by him within a month, the debtor shall immediately deposit that amount in the court.

The motion was lost.

Mr. President : The question is—

That clause 30 stand part of the Bill.

The motion was carried.

Clause 29.

Mr. President : In the proposal made by the Honourable Member in charge of the Bill, he referred to two things in the alternative: (i) the definition of "debtor" for the purposes of part V and (ii) the definition of "agriculturist" as given on page 1 of the original Bill. Which alternative would he prefer?

The Honourable Mr. D. J. Boyd : I prefer the former.

Mr. President : As the definition is to be confined only to one part and practically to one clause, I allow it.

The Honourable Mr. D. J. Boyd : I move—

That for clause 29 the following clause be substituted:—

29. For the purpose of this Part of the Act—

(1) 'Debtor' means a person who owes a debt and —

Definition.

- (i) who both earns his livelihood mainly by agriculture, and is either a landowner or tenant of agricultural land or a servant engaged in agricultural pursuit, of a land-owner or of a tenant of agricultural land; or
- (ii) who earns his livelihood as a village menial paid in cash or kind for work connected with agriculture.

Explanations:—

- (i) A debtor shall not lose his status as such through involuntary unemployment or on account of incapacity, temporary or permanent, by bodily infirmity, or, if he is or has been in service of His Majesty's Military or Naval Forces, only on account of his pay and allowances or pension exceeding his income from agricultural sources.
- (ii) A debtor shall not lose his status as such by reason of the fact that he makes income by using his plough cattle for purposes of transport.
- (iii) A debtor shall not lose his status as such only because he does not cultivate with his own hands.
- (2) 'Agriculture' shall include horticulture and the use of land for any purpose of husbandry inclusive of the keeping or breeding of live-stock, poultry, or bees, and the growth of fruit vegetables and the like.

The object of this amendment is to restore the original intention of the Bill. It was intended that this part of the Bill should apply only to agriculturist debtors and this amendment is necessary to bring back the original intention of the Bill. It is hardly necessary to argue this question, but I think it is quite clear that the application of the principle of *damdupat* to transactions between the trading classes might have effects which we cannot possibly foresee and which we certainly did not intend when we laid this Bill before the legislature. For this reason I hope the House will, without any difficulty, accept the amendment which I have moved.

Mr. President : Clause under consideration amendment moved—

That for clause 29 the following clause be substituted:—

29. For the purpose of this Part of the Act—(1) "Debtor," means a person who owes a debt and—

Definition.

- (i) who both earns his livelihood mainly by agriculture, and is either a land owner, or tenant of agricultural land or a servant engaged in agricultural pursuit, of a land-owner or of a tenant of agricultural land; or

[Mr. President.]

- (ii) who earns his livelihood as a village menial paid in cash or kind for work connected with agriculture.

Explanations—

- (i) A debtor shall not lose his status as such through involuntary unemployment or on account of incapacity, temporary or permanent, by bodily infirmity, or, if he is or has been in service of His Majesty's Military or Naval Forces, only on account of his pay and allowances or pension exceeding his income from agricultural sources.
- (ii) A debtor shall not lose his status as such by reason of the fact that he makes income by using his plough cattle for purposes of transport.
- (iii) A debtor shall not lose his status as such only because he does not cultivate with his own hands.
- (2) 'Agriculture' shall include horticulture and the use of land for any purpose of husbandry inclusive of the keeping or breeding of live-stock, poultry, or bees, and the growth of fruit vegetables and the like.

Pir Akbar Ali (Ferozepore, Muhammadan, Rural): May I know whether any other amendment to the clause to which an amendment has been allowed by the Chair, will be allowed?

Mr. President: This amendment without the words "for purpose of this Act" has been in the agenda for sometime.

Pir Akbar Ali: It has been in the agenda no doubt, but obviously it was considered by honourable members that it would be ruled out of order.

Mr. President: Has the honourable member got any amendment in writing?

Pir Akbar Ali: We are thinking of one.

Mr. President: Those who are thinking may continue to do so.

Pir Akbar Ali: We have already in the printed lists amendment No. 11 printed on page 2 of the Fourth Revised List of Amendments. I will formally move it.

Mr. President: I have no objection.

Pir Akbar Ali: Then I move—

That the following be substituted for the proposed clause 29:—

'Debtor' means a person who owes a debt and—

- (i) who is a member of a tribe notified as an agricultural tribe under the Punjab Alienation of Land Act, or
- (ii) who is a member of a class declared by the Local Government as depressed among Hindus, or
- (iii) who is a member of a class among Muslims or Sikhs corresponding to a depressed class among Hindus, or
- (iv) who is a tenant of agricultural land or a servant engaged in agricultural pursuits under a person falling in any of the categories specified in (i), (ii) and (iii) or under a tenant of agricultural land, or
- (v) who earns his livelihood mainly by agriculture.

(Urdu): Sir, the object of the amendment I have now moved to the clause proposed by Government is to draw the attention of the House to the advisability of providing a suitable definition of the word "debtor" in the Bill. In my opinion "debtor" should be taken to mean a person who owes a debt and who belongs to a tribe notified as an agricultural tribe under the Punjab Alienation of Land Act. It should not in any

case be left to the court to determine whether or not a particular debtor is an agriculturist debtor, for, in many cases the courts will take months to decide this issue and when after a long time it is decided that a particular person is not an agriculturist debtor all the labours of the court will be wasted. Such an enquiry will involve unnecessary waste of time and money and will in many cases nullify the real object of the Bill. I, therefore, prefer my amendment to the one moved by Government and commend it for the acceptance of the House. With these words I resume my seat.

Mr. President : Amendment moved is—

That for the proposed new clause 29 regarding the definition of debtor the following be substituted :—

Debtor means a person who owes a debt and—

- (i) who is a member of a tribe notified as an agricultural tribe under the Punjab Alienation of Land Act, or
- (ii) who is a member of a class declared by the Local Government as depressed among Hindus, or
- (iii) who is a member of a class among Muslims or Sikhs corresponding to a depressed class among Hindus, or
- (iv) who is a tenant of agricultural land or a servant engaged in agricultural pursuits under a person falling in any of the categories specified in (i), (ii) and (iii) or under a tenant of agricultural land, or
- (v) who earns his livelihood mainly by agriculture.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural) : When one looks carefully at the provisions of this definition, one cannot agree with it. We accepted a definition of "debtor" in part IV which is of general application and I do not know why we should now limit it to only agriculturists.

Mr. President : What is the honourable member speaking to? Is he speaking to the motion before the House?

Chaudhri Allah Dad Khan : The amendment which we carried out—

Mr. President : Which amendment?

Chaudhri Allah Dad Khan : Amendment to Part IV.

Mr. President : The motion before the House now is the amendment which has been moved by Pir Akbar Ali.

Chaudhri Allah Dad Khan : Both, the one moved by the Honourable Member in charge and the one moved by Pir Akbar Ali.

Mr. President : No. Unless Pir Akbar Ali's amendment is disposed of the one moved by the Honourable Member in charge of the Bill cannot be discussed. If an amendment aims at taking the place of the original motion in its entirety, then both of them are simultaneously under consideration, otherwise only the amendment, as in the present case, is under consideration and not the original motion, which is laid aside for the time being.

Chaudhri Allah Dad Khan : Then I will speak on the second amendment. The second amendment moved by Pir Akbar Ali is more explicit and if we are making any change we must make a definite change and not a haphazard one. The amendment moved by the Honourable Finance Member has loopholes in it and gives a very wide discretion to the courts. It is for limiting that use of discretion that this Council has been fighting

[Ch. Allah Dad Khan.]

for a long time. It is time that an amendment is brought to limit the exercise of discretion which would otherwise be left wide open. The amendment which has been moved by the honourable member from this party, Pir Akbar Ali, is quite to the point and I support it.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban): My view is that both the amendments are defective. If the object of the Bill is simply to defend those who are members of notified agricultural tribes, the amendment moved by Government falls short of that object. It appears that the sense of the House so far as these benches are concerned has been throughout to monopolise the attention of the House to the particular section of agriculturists who are termed statutory agriculturists. These gentlemen lose sight of the fact that there are whole villages in the Punjab and there are residents in different villages of the province who for generations have been engaged in the pursuit of agriculture, but who by some misfortune or by some circumstances, which were not taken full account of at that time, were not declared statutory agriculturists. And they are as much in debt and deserve as much Government support and sympathy of the House as any other so-called statutory agriculturist. I think this cry should end somewhere. I have been throughout with this party but when I see that whenever there is a certain loophole, when there is the slightest occasion that any statutory non-agriculturist would be benefited, these gentlemen jump at once and try to spoil the whole thing. The amendment proposed by Government is very wide. It would include persons who are land-owners wherever they are and whatever their caste may be. Anybody, even if he lived in a town, owning lands would get the protection. But if we limit the clause as my learned friend behind me, Pir Akbar Ali wants it, to statutory agriculturists, it means that only those who have been fortunate enough to get sanction to their particular tribe and who have got themselves notified under the Land Alienation Act would be benefited by it. This is a very narrow view of the law especially when we are here legislating for generations and for the whole of the province. If the object of the House is to cover all the members of statutory agricultural tribes whether they are engaged in agriculture or not, then of course, the amendment of Government would fall short of it. Supposing, for instance, there is a big landlord. He has got a son who studies here at Lahore in some college. He thinks of purchasing a motor car and begins incurring debts. His debts amount to something like Rs. 5,000. He is a member of the statutory agriculturist tribe because his father is one. Under the definition of Government he will not be able to claim exemption. The decree would be there; no *damdupat*, no conciliation board or anything of that sort would help him. If the object, however, is to defend the members of the statutory agricultural tribes, be they engineers, be they doctors, be they civil servants, be they anywhere, of course, the Government amendment falls short of achieving that object, and from the point of view of my party it is defective as it is. But if the object is to exclude them it is quite clear. My submission is, if the House wants to exclude each and every member of an agricultural tribe whether engaged in agriculture or not and to protect him, the House might adopt Pir Sahib's amendment which is very wide. All the same we would be depriving and excluding a particular section of the land-owning classes

who are not fortunate in getting themselves notified under the Land Alienation Act. If there is a compromise which can be effected I would, with your permission, suggest that we might adopt the first clause of Pir Sahib's amendment, "who is a member of a tribe notified as agricultural tribe under the Punjab Land Alienation Act" and then have the whole of the amendment proposed by Government subsequent to it. That will serve the object of the zamindar party as well as of the Government.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-east, Rohtak, non-Muhammadian, Rural) (*Urdu*): Sir, you will remember that about four or five days ago I quoted a verse by Iqbal in connection with another motion. That verse which is as follows:

مدعی کو مایہ ناز از قوت است
دعوی او بے نیاز از حجت است

applies even more appropriately to the present case. It means that a powerful man does not stand in need of any argument in support of his claim. To-day we have been compelled to move and support an amendment which on a previous occasion we had dropped as unnecessary. I say we have been compelled to press for the amendment which my honourable friend from Ferozepore has moved because the new definition of the word 'Debtor' proposed by the Government leaves us no alternative. Otherwise we do not want that there should be any discrimination in the treatment of different groups of persons merely on the ground of residence or even profession. This I have said to make our position clear so that we may not be charged with inconsistency by the honourable members on the opposite benches.

Now I shall proceed to show why it is so very necessary to adopt the amendment of our party. But before I do so, I would like to clear the misunderstanding under which my learned friend on my left (Shaikh Abdul Ghani) appears to be labouring. I should think that he had had no time to read this amendment by Pir Sahib thoroughly or that he has not tried to fully comprehend its meaning. It is obviously so exhaustive that it includes every individual who has anything to do with agriculture. It does not leave any one out of its scope who depends for his maintenance on agriculture whether directly or indirectly. If he will kindly read this amendment a little more carefully, I am sure all his doubts on the point will be removed. He will see that it includes even those who are not statutory agriculturists, but who derive their livelihood mainly from agriculture and who by an oversight or by their own carelessness have not been declared agriculturists under the Land Alienation Act, although they very much deserve to be so declared. I again say that the amendment of Pir Sahib is very comprehensive and my learned friend need have no fears that it will not include any deserving persons.

Shaikh Abdul Ghani : Question.

✓ **Rao Bahadur Chaudhri Chhotu Ram** : The amendment of Pir Sahib consists of five parts. In the first part are included those persons who are notified as agriculturists under the Punjab Alienation of Land Act. The second part of the amendment brings in those persons who have been declared by the Government as members of depressed classes among Hindus. The third part of this amendment is meant for those persons among Muslims.

✓ [R. B. Ch. Chhotu Ram.]
and Sikhs who belong to classes which correspond to the depressed classes among Hindus. In the fourth part of this amendment are included all tenants of agricultural land or servants engaged in agricultural pursuits under persons falling in any of the categories specified in the first three parts of this amendment or servants under a tenant of agricultural land and in the fifth part of the same amendment are included all persons who earn their livelihood mainly by agriculture. Now if one kept in view all these classes which have been enumerated in these five parts, one would easily see that no class or group of persons has been left out which depends for its maintenance mainly on agriculture. I need hardly repeat that this amendment is not only beneficial to those who are notified agriculturists but also to those who directly or indirectly live upon the income from lands.

Shaikh Abdul Ghani : My objection is that this amendment does not include the sons of such persons who have been classified in it.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I do not think it is a very serious objection. I am of opinion that the sons of agriculturists will, as a matter of course, be classed as such. However, if there is any doubt on the point, the sons of such persons may also be included to make assurance doubly sure. Anyhow the object of the amendment is clear, and that is, to benefit all persons who deserve to be benefited by this measure.

I shall now proceed to show why this amendment is considered to be necessary. According to the amendment proposed by the Government it will be for the courts to decide whether a person desiring to benefit by the provisions of this Bill is a debtor or not. The decision of this matter is proposed to be entirely left to the courts whether a person earns his livelihood mainly by agriculture and whether or not he should be declared a debtor for the purposes of this Bill. That being so, it will be necessary for the courts to strike an issue to the effect in every case whether a person who has made an application for amicable settlement, is in fact a debtor or not. That will be a preliminary issue in every case. To decide this issue it will be necessary for the person claiming to be a debtor to adduce evidence in support of his claim. His creditors, too, who will very much like to oppose that claim, will be entitled to adduce evidence. This will certainly lead to the prolongation of every case to unnecessary lengths. But that is not the only or even the main ground on which we take our stand. What we fear is that it will be very difficult for the debtors, who will be agriculturists in most cases, to prove their claim. As the House is aware they are not in the habit of keeping accounts and consequently they will have no documentary evidence to produce before the courts concerned. They will naturally depend on oral evidence to prove their status as debtors. But we know that very little value is attached to oral evidence by the courts particularly in these days because it is so very easy to procure oral evidence. I do not blame the courts for this attitude of theirs with regard to such evidence. They are right to a certain extent in taking up that attitude. Any way whether rightly or wrongly the courts have come to take up this attitude with regard to oral evidence. It has, so to say, become a rule with them to reject oral evidence in almost all cases even if it were true to a word, as my friends, who have anything to do with the courts, will bear me out. Suppose a debtor says—quite truly—that he has given 200 maunds of wheat

and a she-buffalo to his creditor, he will never be believed although he will say everything on oath and although every word of it will be true. Of course if he can produce a receipt to that effect, he can convince the court of the truth of his statement. But receipts these people never obtain and in many cases such receipts are not given to them, even if demanded. Many of us will have experienced that if in a case a debtor has paid something out of the amount decreed against him and if he comes to the court and makes a statement to that effect without producing any receipt for it, he is not believed. This is, then, the attitude of the courts and under the circumstances it is essential to adopt the amendment moved by Pir Sahib. Otherwise, as I have said before, it will be an uphill task for the debtors to prove that they are really debtors. If you want that the debtors should really benefit by this measure, you should not leave to the courts the decision of the question whether a person claiming to be a debtor is really a debtor or not. We have not only this difficulty in view which the debtors will have to experience in order to prove their claim. We fear that it will be very easy for the creditors to oppose successfully that claim. It will not be very difficult for them to produce written evidence to show that a person claiming to be a debtor has other sources of income which exceeds his income from lands. They will easily find out that a person claiming to be a debtor is in receipt of monthly pay as a servant of some private firm or individual or he is in receipt of some pay, pension or allowances from the Military Department, and will easily procure a documentary proof of the same. The courts will naturally give credit to that evidence particularly in the absence of any documentary evidence to the effect that the person claiming to be a debtor mainly depends on agriculture for his livelihood. The House should also bear in mind that a majority of the cases will be of the value of Rs. 100, Rs. 200 and Rs. 500. The number of such petty cases will be sufficiently large and as in each case it will have to be decided as the first thing whether a person is really a debtor or not, the courts will naturally have to do a huge amount of unnecessary work. It is possible that they will not be able to cope with this amount of work. In any case a heavy burden will be thrown on them and I can see that the results that will follow by placing this burden on them will not be very desirable. The only proper course, therefore, is to adopt the amendment that has been moved by the honourable member from Ferozepore. It is only by adopting this amendment that you can avoid a defeat of the object of this Bill. This amendment says in clear and precise terms which persons or which classes of persons must be held by the courts to have the status of debtors for the purposes of this Bill. It says that all notified agriculturists, all persons belonging to depressed classes among Hindus, all persons of the same status among Muslims and Sikhs and all tenants and the servants of the men of these categories if engaged in agriculture, must be held by the courts to have that status. If this amendment is adopted, it will be easy for the courts to decide cases in weeks and even in days which may otherwise take months. The debtors, too, will not have to experience any difficulty. Everything will work smoothly. No complications will arise and the courts will not find it difficult to discharge their duty. Their work will be lightened. In the presence of this amendment very few persons will have to prove formally that they mainly depend for their livelihood on agriculture. Such few cases the courts will not find

✓ [R. B. Ch. Chhotu Ram.]

difficult to dispose of and, such cases will arise only under the fifth part. This part finds a place in the amendment of the Government also and we see no objection against it. But we do not certainly want that about each and every person the courts must decide whether he is a debtor or not. On the ground of the obvious advantages of precision, we cannot agree to leave notified agricultural tribes to the whims of the courts. I realise that the Government perhaps does not want that it should specify any class of people and thus give an impression that it is favouring a particular class. But that feeling should not be allowed to frustrate the avowed object of the Bill. If Government has this feeling in fact and is being influenced by that, should we take it that it has begun to repent to having passed the law which we call the Alienation of Land Act? If it is really repenting over it and if it has come to dislike this Act, we have no help for that. But if that is not the case and if no such feelings are at work, then the Government should readily agree that certain classes of people should be specified as having the status of debtors so that those classes for whom apparently this Bill has been brought forward, may fully benefit by it.

This specification is also necessary in the interests of the courts as I have already made it clear. We know that people already complain that the courts take too much time in deciding cases that come up before them. We have also heard people saying that these courts have no sympathy for the zamindars and they are always inclined in favour of the sahuikars. If we desire that such complaints should cease in future, we should not give them any discretionary powers. We must make everything as clear as possible. We must not leave them in doubt as to the intention of the legislature and thereby increase their difficulties.

As to the desire of the Government that nothing should be done to affect trade we are at one with it. We do not want to interfere with trade or with matters relating to trade (*hear, hear*). The traders may have their own way if they so desire. We are not their representatives and need not worry about them. Their own representatives are there to take care of their interests. If they think that the principle of *damdupat* will hinder trade or will harm the interests of the traders, we are not at all desirous of forcing it on them. Sir, the principle of *damdupat* is regarded by all as

4 P.M. a very just and equitable principle and personally I see no reason why businessmen should not be given its benefit. I doubt whether the view point of commercial classes of the province is correctly represented here in this House by these gentlemen.

The Honourable Mr. D. J. Boyd : Leave it to them.

✓ Rao Bahadur Chaudhri Chhotu Ram : I desire to make it clear that if in fact trading classes do not want to take advantage of the principle of *damdupat*, then it is not for us on this side of the House to urge its application being extended to them also. (*Interruption.*) Yes, if they think that they can better safeguard their interests by repudiating this principle which was laid down by Manu himself then let them do so. But one thing seems to have been missed by our critics. If we accept the amendment of Pir Sahib the commercial classes will be excluded from the benefit of the principle

of *damdapat*. So there is no reason why Government should feel perturbed. Let them accept this amendment. And I think the honourable members sitting opposite should also have no objection to its acceptance.

Our desire to make the definition of 'debtor' of universal or, failing that, of more general application can be easily understood. What is beneficial for agriculturists is also beneficial for non-agriculturists and we did not like to look selfish by confining the application of this definition to agriculturists. In this Bill the definition of agriculturist is not the same as is given in the Land Alienation Act. Here an agriculturist is defined as one who depends for his subsistence mainly on agriculture. If the honourable members representing money-lending classes require time to think over the matter in order to come to a compromise with us we have no objection. There need be no hurry about this clause. We are willing to effect a compromise, and will try our best to do so. We have always been prepared to effect a compromise. In the past we have been trying to effect a compromise, but the honourable members opposite did not make a response.

Diwan Bahadur Raja Narendra Nath (Punjab Land-holders, General) (*Urdu*): Sir, I fail to understand the mentality of my honourable friends opposite. Sometimes they profess to be liberal and broadminded and at other times they show quite the reverse tendency. At one moment they try to extend the application of this Bill to all the debtors of the province and at others they want to narrow it down to a particular class of debtors. They do not stick to one thing. What they say at one moment they contradict at another. At present there are two amendments before the House. The first was moved by the Government, the second was moved by my honourable friend from Ferozepore. In support of the second amendment many honourable members have made speeches. The amendment of the member from Ferozepore will have the effect of extending the application of the term "debtor" to many people who in reality do not earn their livelihood by agriculture. It will include people who depend for their subsistence on service or income from profession. Against the objection that this definition of "debtor" will include people who earn their livelihood by service and other professions and occupations it is said that it would be difficult for the courts to find out whether a man earns more by agriculture or by some other profession and so there would occur confusion which will increase the work of courts. This objection is quite unreasonable. It is very easy to find out whether a man depends for his livelihood mainly upon agriculture or on some other occupation. Many gentlemen who have taken part in to-day's debate are dependent upon other occupations than agriculture for their livelihood. But according to the definition of a "debtor" as given in the amendment moved by the Government they will be included amongst the agriculturists. There are many people whose income as lawyers is Rs. 3,000 a month while their income from agriculture is only Rs. 200 a year. The fact that they have a little income from agriculture will give them the right of being included amongst the agriculturist debtors. It is not very difficult to find out whether a person depends upon agriculture or some other occupation. A reference to the land records will show how much land he owns and how much revenue he pays to the Government. The area of land owned or the amount of land revenue paid will sufficiently show whether or not agriculture is the main source of income.

[D. B. Raja Narendra Nath.]

Sir, all the difficulties which were enumerated by the honourable leader of the Unionist Party were quite imaginary. What he wanted was only this that some people who in fact are not agriculturists should be regarded as such and given the benefit of this Bill. I object to their inclusion amongst the agricultural debtors and I think my honourable friend sitting on this side of the House also object to it. How can a man be regarded as an agriculturist for the purposes of this Bill who earns Rs. 3,000 by practising as a lawyer and only Rs. 200 from agriculture? Such classes of people as Government servants, lawyers, members of the council, executive councillors, ministers, etc., should be excluded from the definition of "debtor." This is a very reasonable demand on our part. But whenever we want to press it the honourable members opposite at once change their broadmindedness and become narrow-minded. They at once begin to oppose it and the conciliatory spirit leaves them. They vote against it. Seeing their uncompromising spirit we become indifferent and cease to take part in the debate. If the honourable members opposite are really generous and fair-minded, then let them agree to the exclusion of these classes from the application of the definition of the word 'debtor.' The land revenue paid and the area of land owned is sufficient to show whether agriculture is the main source of income or not. The generosity of the honourable members representing the rural interest only extends to the depressed classes like the sweepers and others. These classes have no credit and as such they do not owe any large amounts of debt. What little they borrow they pay at once. By including them in the definition of 'debtor' the honourable members have not done any great service to these people. They have no credit and they have got no debts to be paid. A member of a depressed class has not got as much credit as the poorest amongst the zamindars has. Then they wanted to give the benefit of this measure to the people living in urban areas. About it there was a talk at Simla and we were also given a day to think over the matter. We thought over the matter and found that it was an offer with only a glazed outside and would in reality confer no benefit upon the urban people. We refused the offer. This was an offer which could be likened to a sweetmeat the eating of which gives no relish to those who eat it and at the same time holds out a temptation to those to whom it is denied. In economics any measure by which the credit of a class becomes less cannot be regarded as beneficial. To increase prosperity and to remove economic depression there are only two ways, to reduce your expenditure and increase your income. But my honourable friends want that the debts should be written off and that they should be relieved of their burden. This is no way out of the present difficulty.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan: They say first write off the debts and then they will act according to the principle stated by you.

Diwan Bahadur Raja Narendra Nath: They want prosperity but do not want to act according to ways by which prosperity can be acquired. As I have stated before this offer is an empty temptation. If they want to extend the scope of the term "debtor" then let them do so. We do not consider it a boon on the urban people. We shall neither support them nor oppose them. We will keep silent.

The Honourable Mr. D. J. Boyd : May I ask the honourable member whether he wishes this part of the Act to be extended to the people whom he represents?

Diwan Bahadur Raja Narendra Nath : I am not particular about the extension of this part of the Act to the section I represent. I leave it to Government to decide. If the Government wants that this measure should be confined to agriculturists, I welcome that change. My point is that the amendment proposed for the purpose of defining "agriculturists" is very objectionable, because it covers persons who are not really agriculturists, who are making money in other ways and who want to get the benefit meant for this class. It is to that that I object.

Sir, I object to the amendment moved by the honourable member from Kasur. This amendment is 'Kasurwar.' Perhaps he has come from Kasur.

Pir Akbar Ali : Let me correct the honourable member that I am not from Kasur. I come from Ferozepore. (*An honourable member :* Yes, but you come *via* Kasur.)

Diwan Bahadur Raja Narendra Nath : With these words I strongly oppose the amendment moved by my honourable friend. An amendment which is based upon narrow-mindedness should not be accepted. For the reasons I have submitted before the House this amendment should be rejected.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan (Revenue Member) (*Urdu*) : Sir, the honourable member from Sargodha raised some objections to the amendment under consideration, some of which are weighty. But apart from those objections I see another and a serious one; not as a member of the Government but as a Muslim. One portion of this amendment reads :—

Who is a member of a class among Muslims or Sikhs corresponding to a depressed class among Hindus.

Among Muslims there are no depressed classes or untouchables to whom this portion of the amendment can apply. Therefore, this portion of the amendment is superfluous and should be deleted. I am sure I am voicing the feelings of all Muslims in objecting to this part of the amendment.

Sardar Bahadur Sardar Buta Singh : We Sikhs also join with the Honourable Revenue Member in contending that there are no depressed classes among us.

The Honourable Mr. D. J. Boyd : Sir, I noted with pleasure that the Leader of the National Unionist Party does not wish to force upon the Urban Hindu Party, if I may so call them, any measure which they themselves will not welcome. (*Hear, hear*). I would be very glad indeed if the Hindu Urban Party will say definitely whether they wish to be included in this part of the Bill or not. If they definitely say that they wish to be included then I will withdraw the amendment at once.

Mr. Mukand Lal Puri : Our point of view with respect to *damdupat* is this. *Damdupat* is not the worst feature or the most obnoxious form of the Bill. The more obnoxious parts are those which have already been passed, the conciliation boards, the Usurious Loans Act which should have also been confined to the classes for which they were originally intended. But as we do not want unnecessary restrictions on the credit of urban classes

[Mr. Mukand Lal Puri.]

we do not wish the part as to *damdupat* to be extended to the urban classes also. We are very anxious, that the other provisions should also be restricted to agriculturist debtors.

The Honourable Mr. D. J. Boyd : It is now definitely stated that the National Reform Party do not wish the principle of *damdupat* to be extended to their class. In that case I think it to be the duty of the Government to carry out their original intention and restrict this portion of the Bill to agriculturist debtors.

Shaikh Muhammad Sadiq : It is not enough if the Hindu Urban Party which is representative of money-lenders says so. What about the other communities ? These are not the only representatives of the Urban section. You are mistaken if you think so. I say emphatically that other urban representatives do want protection whilst the Hindu Urban Party will not like to extend any relief to anybody in the world.

The Honourable Mr. D. J. Boyd : The original intention of the Bill was to relieve agricultural indebtedness. The word "agricultural" may not have remained in the preamble ; but that was undoubtedly the intention of the Bill and still is. As the National Reform Party do not wish this Part of the Bill to be extended to them, Government will do what it can to prevent its extension and I am very glad to note that the Leader of the National Unionist Party disclaimed all intention whatever of forcing upon the other party a portion of the Bill which they did not wish to accept. The Leader of the National Unionist Party also made an offer : he offered to accept the Government amendment provided we included within it the amendment moved by Pir Akbar Ali. Diwan Bahadur Raja Narendra Nath has already given us one good reason why we should not accept this amendment. It is that it would include amongst the people to whom relief is being extended, people whose real employment is not agriculture but who have taken law or medicine or Government service or that sort of thing. That is one reason. There is another very good reason indeed and that is that it will extend the benefits of this portion of the Bill to agriculturist money-lenders, perhaps I should say, to money-lenders who are members of notified agricultural tribes. I do not think anybody in this world wants to give that class relief simply because they are as a rule not in need of it and it would be absurd to pass any special measure to help them. But my strongest reason for opposing Pir Akbar Ali's amendment is that I strongly object to appearing ridiculous before the public. This King Charles's head is always being brought into every debate in this Council, this mention of the Punjab Alienation of Land Act. The Punjab Alienation of Land Act is undoubtedly a class measure, which was thoroughly justified at the time when it was passed and has since justified itself. But we do not want it exhibited, we do not want it brought before the public at every turn and to introduce a totally unnecessary class distinction of this kind is to my mind wholly objectionable and I am afraid it will be regarded as ridiculous. Other parts of the amendment are bound to be regarded as ridiculous, including the unusual definition of the members of depressed classes among Hindus and those corresponding to them among Muslims and Sikhs. It has already brought protests from Muslims and Sikhs, very well deserved protests. For the rest, I think the Government amendment is about as

exact as it can be. I do not say that no dispute whatever can arise from it, as there are very few phrases indeed about which no dispute can arise. But I feel sure that it will achieve the object of restricting this part of the Bill to the classes for whom it is intended, namely indebted agriculturists.

Pir Akbar Ali (Urdu): Sir, I have listened to the speeches of the Honourable the Leader of the House and the honourable Raja Sahib very attentively. I have also heard the speech of Shaikh Sahib. It appears that the main objection against my definition of "debtor" is that it does not include all that is included in the definition of "debtor" as given in the amendment moved by the Government. The Honourable the Leader of the House objected to a portion of the amendment which refers to depressed classes. I have no objection if this portion is deleted. I also agree with all that has been said by Shaikh Sahib. The Sikh members also associated themselves with the Honourable the Leader of the House as regards the deletion of the portion referring to depressed classes among Sikhs and Muslims. As already stated I agree with its deletion. If all parties can agree about a thing by this deletion I have no objection to it. Let the portion concerned be deleted. Raja Sahib said that we are not consistent in our behaviour, that sometimes we are large-hearted enough to extend the scope of the Act to all classes and at others become so narrow-minded as to limit its application to a particular class. Let me remind him that at Simla at the time of the select committee meeting the Government wanted the Bill to limit its application to a particular class. We objected to it and stressed that the application of this beneficial measure should be extended to all classes without any distinction. With this end in view we gave time to the honourable members opposite to consider this matter and then acquaint us with their mind. The honourable members considered it for one full day and came to the conclusion that they should reject our offer. They rejected our offer. This shows our attitude. We wanted to give the benefit of the measure to all classes whether Hindus or Muslims or Sikhs; agriculturist or non-agriculturists, poor or rich, alike. But the honourable members did not agree to our proposal and rejected the offer. The honourable Raja Sahib compared this offer to a sweetmeat which has no sweet taste. Let me tell him that sweetmeats and other such nice eatables have fallen to the share of the community of those honourable members. What have we got in their place? Nothing, not even such vegetables as are given to the cattle. I would like to place before the House the condition of the zamindars, but as there is very little time at my disposal I will refrain from it. The Government has defined "debtor" as one who chiefly depends upon agriculture for his livelihood. Government has included all such classes in their definition who depend upon agriculture in some way or other for their subsistence. The Government has very kindly offered a helping hand to all the classes. But I say if the Government wants to pass this Bill into an Act for the benefit of the agriculturist classes also then they should consult us about it. We are the representatives of the agriculturists. But if this measure is not meant to ameliorate the condition of the zamindars, then let them take their course. We cannot help it. We have every claim over the Government. We have been fighting in their wars. We have been paying land revenue and other taxes. We will also continue to form their armies in the future and would also continue to pay the different land taxes. The Government

[Pir Akbar Ali.]

should keep in view our benefit. But if notwithstanding all the sacrifices that we have made for the Government the Government insists upon showing indifference to our cause then it is our bad luck that is to be blamed. These honourable members who are sitting over there are here in the Council on account of us. We have made their fortunes. We have earned and they have spent. But still they are indifferent to our interests. They never think of all that we have done for them. The zamindars work hard and all that they earn by the sweat of their brow goes to the community of these honourable members. Now the cotton crop has failed and the zamindars are expecting still harder times. The honourable members should be considerate and offer a helping hand to the zamindars. Instead of doing this they are trying to snatch all the land from the hands of the agriculturists. They want to deport them and expel them from the country. But let me tell them that they cannot do so. Even if they succeed in driving the agriculturists out of the possession of their lands they will not be able to carry on agriculture with their own hands. They will have to employ the agriculturists as farm labourers, etc. But then they would like not to give them anything for their subsistence. Now the condition is this. The agriculturists work hard throughout the year and then at the end find that they have not got anything to live upon. Some portion of their income is taken away by the Government as their land revenue and *abiana*. The remaining portion is taken away by the *sahukars* as the interest on the loans advanced to them. The zamindars remain empty-handed. But if at times some portion is left, well, that covers the expense of feeding the cattle. Raja Sahib was not right in stating that we are narrow-minded. We produce and all the other classes consume. We earn and they enjoy. Is it narrow-mindedness? When the zamindars cut their crops they give a good portion of it to the poor. Any one who goes to the fields at the harvest time gets something. We are not narrow-minded. But when we are offered unbecoming treatment we do resent it.

Then there was an objection to the inclusion of pleaders, and others in the definition of "debtor." I say there are perhaps not more than two in a thousand who are pleaders. There are very few vakils and government servants amongst the agriculturists. The number of such men who have also other means of income in addition to agriculture is very small, and it matters little if the scope of this portion of the Bill is also extended to them. The honourable Raja Sahib has been in service for so many years. Can he say that his salary was his only income? Can he say that his salary made a great difference in his income? He, I am sure, had to depend upon agriculture, during the time he was in service. He now depends upon the income which he derives from his lands. I am sure that even now the honourable Raja Sahib is not living on his pension alone. Income from his land will be more than his income from pension. The definition proposed by the Government excludes from "agriculturists" all those Punjabis whose income from other sources exceeds the income which they derive from agricultural occupations. This is not fair. This definition will make the circle of agriculturists hopelessly narrow. We on these benches, Sir, are desirous of widening this circle like anything. In fact, we want that everybody in this province should have a right to be called an agriculturist.

It is the narrow vision of the money-lending and factory-owning classes which wants to exclude all other people from these professions. The money-lender wants to confine the occupation to his own class and the factory-owner will fight hard against the setting up of another factory in his neighbourhood. But we zamindars are pleased when people from outside join our profession. It does not behove the Government, therefore, to narrow down the definition of "agriculturist" as they have proposed to do. In the end, I would make another submission to the Government. We began the consideration of this Bill on the 24th of the last month and now the 24th of the present month has come. If we accept the Government's amendment the achievement which we have made so far will be well nigh lost and we shall find ourselves again in the first stage of our task. Will it be proper for the Government to create such a situation? I hope Government members will give a moment's thought to my submission. Moreover, the Government should not take very seriously a defeat here or a reverse there in the matter of divisions. We should think that Government's position is such that its reverses even are as glorious as its victories and in fact there is very little difference between them in practice as it is possible for the Government to mend matters whenever they are so inclined, and do whatever seems to them proper and right. I personally was of the opinion that the Government would be gratified that the present Bill had been extended to all classes and its universal application had removed from it the stigma of its being a class measure. I thought that the fact that the House itself had voted for its universal application had given the Government all the greater pleasure. I could never think that the Government would grudge the application of this Bill to all sections of their subjects equally. In fact only the zamindars can be appropriately called subjects of the Government. They are most loyal and it is the loyal people who can be justly mentioned by the name of subjects. We have made sacrifices for the sake of Government. We have shed our blood in its service. In fact we have loyally served the class of gentlemen on those benches who have come here now to oppose every reasonable demand made by us. But we are extremely sorry to see that those whom we serve and those for whose sake we suffer are the most uncompromising opponents of our cause. I wonder why the Government has taken in its head to displease the entire population of the province in an attempt to win the goodwill of half a dozen people here. The Government is already doing a lot for these people and their community at the cost of our people. It has opened colleges for them. It has established all sorts of beneficent institutions for their sake. It looks after their health and the sanitary condition of the localities where they live. It is not doing anything for the sake of zamindars. It is depriving zamindars of the benefits of colleges, schools, hospitals and good sanitation. We fail to understand why it is showing a step-motherly treatment to its rural subjects. Now it is defining the word "agriculturist" in such a way that it will go down to posterity as a synonym of debtor. I know this Bill, if passed into law, will remain in force for all time to come because the system of raising loans can never die out. So we zamindars view with horror the prospect of being mentioned as debtors for all time to come. We regard it as a slight. I hope the Government will give its closest consideration to this aspect of the question. As is apparent I am not in a mood to make a lengthy speech at

[Pir Akbar Ali.]

this time (*hear, hear*), so I shall resume my seat after making just one more submission. The Government, zamindars expect, should not treat them in a manner which might totally disillusion them. If it does not see its way to vote in zamindars' favour, it may remain neutral. One word to my Hindu friends and especially to Pandit Nanak Chand. He is always found to declare that he stands for the welfare of zamindars. To-day's voting will clearly show whether he really is a well-wisher of the zamindars. We deserve his help and the help of his community. We have served them through thick and thin. We have helped them at the risk of our lives, property and everything. In fact we zamindars are the makers of history in this country. The House may reject those parts of my amendment to which reference has been made by the Honourable Revenue Member. It may make any other change too by mutual agreement. But it is my earnest request that my amendment should be adopted. If, however, the Government may be prepared to withdraw their amendment, I shall have no objection to withdrawing mine. Otherwise, I shall be obliged to press it. With these words, I resume my seat.

Sardar Bahadur Sardar Buta Singh (Multan division and Sheikhpura, Sikh, Rural): Sir, I want to move an amendment.

Mr. President: Amendment to what?

Sardar Bahadur Sardar Buta Singh: Amendment to Pir Akbar Ali's amendment. He agrees to certain amendments being made and with your permission I formally move it. I believe it is agreeable to one section of the House at least.

The Honourable Mr. D. J. Boyd: Surely the debate has come to an end.

Mr. President: Yes, the debate has ended and the mover has exercised his right of reply. The question is—

That in the proposed clause 29, sub-clause (1), the following be added as part (i):—

(i) who is a member of a tribe notified as an agricultural tribe under the Punjab Alienation of Land Act, or

The Council divided: Ayes, 32; Noes, 37.

AYES.

Abdul Ghani, Shaikh.
Afzal Haq, Chaudhri.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Akbar Ali, Pir.
Allah Dad Khan, Chaudhri.
Arjan Singh, Sardar.
Bahadur Khan, Sardar.
Bishan Singh, Sardar.
Buta Singh, Sardar Bahadur Sardar.
Chhotu Ram, Rao Bahadur Chaudhri.
Faqir Husain Khan, Chaudhri.

Fazl Ali, Khan Bahadur Nawab Chaudhri.
Haibat Khan Daha, Khan.
Jawahar Singh Dhillon, Sardar.
Mubarak Ali Shah, Sayad.
Muhammad Abdul Rahman Khan, Chaudhri.
Muhammad Amin Khan, Khan Bahadur Malik.
Muhammad Hasan, Khan Sahib Makhdum Shaikh.
Muhammad Hayat Qureshi, Khan Bahadur Nawab.

Muhammad Jamal Khan Leghari,
Khan Bahadur Nawab.
Muhammad Raza Shah Gilani,
Makhdumzada Sayad.
Muhammad Sadiq, Shaikh.
Muhammad Sarfraz Ali Khan, Raja.
Muzaffar Khan, Khan Bahadur Cap-
tain Malik.
Noor Ahmad Khan, Khan Sahib
Mian.

Nur Khan, Khan Sahib Risaldar
Bahadur.
Nurullah, Mian.
Ram Sarup, Chaudhri.
Riasat Ali, Chaudhri.
Umar Hayat, Chaudhri.
Zafrulla Khan, Chaudhri.
Zaman Mehdi Khan, Khan Bahadur
Malik.

NOES:

Anderson, Mr. J. D.
Askwith, Mr. A. V.
Beant Singh, Sardar Sahib Sardar.
Bhagat Ram, Lala.
Bourne, Mr. F. C.
Boyd, The Honourable Mr. D. J.
Chetan Anand, Lala.
Fazl Ilahi, Khan Sahib Shaikh.
Ferguson, Mr. J. A.
Firoz Khan Noon, The Honourable
Malik Sir.
Garbett, Mr. C. C.
Ghani, Mr. M. A.
Gokul Chand Narang, The Honour-
able Dr.
Gopal Das, Rai Sahib Lala.
Grindal, Mr. A. D.
Hearn, Mr. J. W.
Labh Chand Mehra, Rai Sahib Lala.
Labh Singh, Mr.
Latifi, Mr. A.

Lekhwati Jain, Shrimati.
Macfarlane, Mr. D.
Mamraj Singh Chohan, Kanwar.
Manohar Lal, Mr.
Marsden, Mr. P.
Mayadas, Mr. Ernest.
Mukand Lal Puri, Mr.
Narendra Nath, Diwan Bahadur
Raja.
Nathwa Singh, Chaudhri.
Nihal Chand Aggarwal, Lala.
Pandit, Mr. Nanak Chand.
Rahim Bakhsh, Maulvi Sir.
Ramji Das, Lala.
Roberts, Mr. W.
Sanderson, Mr. R.
Shave, Dr. (Mrs.) M. C.
Sheo Narain Singh, Sardar Bahadur
Sardar.
Sikander Hyat-Khan, The Honour-
able Captain Sirdar Sir.

Mr. President : The question is—

That in the proposed clause 29, sub-clause (1), the following be added :—

who is a member of a class declared by the Local Government as depressed among
Hindus, or

The Council divided : Ayes, 94 ; Noes, 37.

AYES

Abdul Ghani, Shaikh.
Atzal Haq, Chaudhri.
Ahmad Yar Khan Daulatana, Khan
Bahadur Mian.
Akbar Ali, Pir.
Allah Dad Khan, Chaudhri.
Arjan Singh, Sardar.
Bahadur Khan, Sardar.
Bishan Singh, Sardar.

Buta Singh, Sardar Bahadur Sardar.
Chhotu Ram, Rao Bahadur Chau-
dhri.
Faqir Husain Khan, Chaudhri.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Ghani, Mr. M. A.
Haibat Khan Daba, Khan.
Jawahar Singh Dhillon, Sardar.

Mubarak Ali Shah, Sayad.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Amin Khan, Khan Ba-
 hadur Malik.
 Muhammad Hasan, Khan Sahib
 Makhdum Shaikh.
 Muhammad Hayat Qureshi, Khan
 Bahadur Nawab.
 Muhammad Jamal Khan Leghari,
 Khan Bahadur Nawab.
 Muhammad Raza Shah Gilani,
 Makhdumzada Sayad.
 Muhammad Sadiq Shaikh.

Muhammad Sarfraz Ali Khan, Raja.
 Muzaffar Khan, Khan Bahadur Cap-
 tain Malik.
 Noor Ahmad Khan, Khan Sahib
 Mian.
 Nur Khan, Khan Sahib Risaldar
 Bahadur.
 Nurullah, Mian.
 Ram Sarup, Chaudhri.
 Riasat Ali, Chaudhri.
 Roberts, Mr. W.
 Umar Hayat, Chaudhri.
 Zafrulla Khan, Chaudhri.
 Zaman Mehdi Khan, Khan Bahadur
 Malik.

NOES.

Anderson, Mr. J. D.
 Askwith, Mr. A. V.
 Bansilal, Chaudhri.
 Beant Singh, Sardar Sahib Sardar.
 Bhagat Ram, Lala.
 Bourne, Mr. F. C.
 Boyd, The Honourable Mr. D. J.
 Chetan Anand, Lala.
 Fazl Ilahi, Khan Sahib Shaikh.
 Ferguson, Mr. J. A.
 Firoz Khan Noon, The Honourable
 Malik Sir.
 Garbett, Mr. C. C.
 Gokul Chand Narang, The Honour-
 able Dr.
 Gopal Das, Rai Sahib Lala.
 Grindal, Mr. A. D.
 Hearn, Mr. J. W.
 Labh Chand Mehra, Rai Sahib Lala.
 Labh Singh, Mr.
 Latifi, Mr. A.
 Lekhwati Jain, Shrimati.

Macfarlane, Mr. D.
 Mamraj Singh Chohan, Kanwar.
 Manohar Lal, Mr.
 Marsden, Mr. P.
 Mayadas, Mr. Earnest.
 Mukand Lal Puri, Mr.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Narendra Nath, Diwan Bahadur
 Raja.
 Nathwa Singh, Chaudhri.
 Nihal Chand Aggarwal, Lala.
 Pancham Chand, Thakur.
 Rahim Bakhsh, Maulvi Sir.
 Ramji Das, Lala.
 Sanderson, Mr. R.
 Shave, Dr. (Mrs.) M. C.
 Sheo Narain Singh, Sardar Bahadur
 Sardar.
 Sikander Hyat-Khan, The Honour-
 able Captain Sirdar Sir.

Mr. Labh Singh : On a point of order. After these various items are put, supposing the House answers one of the items in the affirmative, will it be your pleasure to put the amended clause as a whole once again?

Mr. President : That question has not arisen yet. The question is—

That in the proposed clause 29, sub-clause (1), the following be added :—
 who is a member of a class among Muslims or Sikhs corresponding to a depressed
 class among Hindus, or

The motion was lost.

Mr. President : The next sub-clause proposed is—

who is a tenant of agricultural land or a servant engaged in agricultural pursuits under a person falling in any of the categories specified in (i), (ii) and (iii) or under a tenant of agricultural land, or

As the categories specified in (i), (ii) and (iii) have been deleted, does the House want that this clause be put?

Chaudhri Zafrulla Khan : The amendment does not go out in consequence. The categories specified in the deleted parts will be read into this part and I submit that there is nothing repugnant in the amendment to the parts rejected before.

Mr. President : I shall put the amendment. The question is—

That in the proposed clause 29, sub-clause (1), the following be added :—

who is a tenant of agricultural land or a servant engaged in agricultural pursuits or under a tenant of agricultural land.

The motion was lost.

Mr. President : The question is—

That in the proposed clause 29, sub-clause (1), the following be added :—

who earns his livelihood mainly by agriculture.

The motion was lost.

Pir Akbar Ali : Now that this has been rejected I submit that both the parts of sub-clause (1) of clause 29 proposed by Government being substantially the same as mine or being covered by my amendment, the amendment of Government has also been rejected.

The Honourable Mr. D. J. Boyd : No. The Government amendment is not the same as the honourable member's.

Mr. President : Now I propose to put the original new clause.

(At this stage Rao Bahadur Chaudhri Chhotu Ram rose to speak).

Mr. Nanak Chand Pandit : Sir, I have an objection to raise. The objection is that both the motions were before the House and the honourable Chaudhri Chhotu Ram spoke on both the motions. He therefore cannot be permitted to speak again.

5 P. M.

Mr. President : The amendment moved by the honourable Pir Akbar Ali was before the House and Rao Bahadur Chaudhri Chhotu Ram and several other gentlemen spoke to it. When that amendment was before the House the original clause was laid aside. Now that that amendment has been disposed of, the original clause is again before the House and if any honourable member wishes to speak to it he may do so.

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

Rao Bahadur Chaudhri Chhotu Ram (South-East, Rohtak, non-Muhammadan, Rural) (Urdu) : Sir, the object underlying the amendment moved by Government is to substitute a new clause for the existing clause 29 and by means of this amendment the Government want the House to go against its own decision already arrived at in connection with section 7 of the Bill. The word "debtor" is already defined in section 7 which was passed by the House weeks ago. There was nothing in the Bill as introduced or in the Bill as it emerged from the select committee to show that the words

✓ [R. B. Ch. Chhotu Ram.]

"debtor" and "agriculture" were restricted to any particular part or to any particular clauses of the Bill. On the contrary it appeared that these words were intended to be of general application. Therefore the definition of the word "debtor" in section 7 which has been agreed to by the House extends to this clause also. Under these circumstances to move an amendment which controvenes the spirit of section 7 and thus nullifies the previous decision of the House is entirely unfair.

The Honourable Mr. D. J. Boyd : Surely this has already been decided. Is it in order to discuss a point of order on which a ruling has been given?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I am not at all discussing the correctness or otherwise of the ruling of the Chair. I do admit its soundness and bow before it. But I have every right to discuss whether the Government is justified in moving an amendment which defeats the real object of the Bill especially when a particular definition of the word "debtor" has already been agreed to by the House. The ruling of the Chair was to the effect that according to the rules and standing orders, the amendment moved by the Government was in order, that is, it could be considered and passed or rejected by the House. What I was submitting was that it was unfair and objectionable on the part of the Government to bring in an amendment which indirectly abrogates the previous decision of the House. In fact I am inclined to say that it amounts to a contempt of the House for whose decisions we should all have every possible regard.

I would now turn to the actual words of the amendment. The first part of it runs as follows :—

(1) "Debtor" means a person who owes a debt, and—

(i) who earns his livelihood mainly by agriculture, and is either a landowner or tenant of agricultural land or a servant engaged in agricultural pursuits of a land-owner or of a tenant of agricultural land ;

The Honourable Dr. Gokul Chand Narang : Why not read it in English to avoid the trouble of translating it in Urdu.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I am speaking in Urdu because I know that most of the honourable members now present will easily understand my point. It is true that it is sometimes difficult for many of us to express or make others understand a foreign idea in our own tongue. But since I have begun speaking in Urdu, I would like to continue my speech in Urdu. It is possible that Government Members may not be able to understand some words of my speech here and there but I am sure that they will be able to understand generally what I am driving at. The second part of the amendment is as follows :—

(ii) who earns his livelihood as a village menial paid in cash or kind for work connected with agriculture.

There are also certain explanations to which I would advert later on.

Under the first part of the amendment a person claiming to be a debtor will have to prove that he earns his livelihood mainly by agriculture. The word "mainly" has not been defined in the Bill anywhere. There may be presiding officers of courts who may hold that one who derives three-fourths of his income from agriculture, is alone a person who earns his livelihood

mainly by agriculture. There may be others who may hold that one who derives two-thirds of his income from agriculture, is alone a person who earns his livelihood mainly by agriculture. The greatest difficulty likely to confront the courts as well as those for whom this Bill is intended would be on account of the absence of some definition of the word "mainly" in the Bill. This drawback in the Bill will defeat its real object. It would depend upon the whims and fancies of presiding officers of courts to allow or disallow the claim of a person to be treated as a debtor and to take advantage of the provisions of the Bill. This is after all an emergency measure intended to relieve as quickly as possible the agriculturist debtor of indebtedness. Why, then, should we leave things ambiguous and cause delay? Nobody can compel the courts to take any particular course of action in the absence of a clear direction. It will be very difficult for one to prove that he is entitled to seek relief under the provisions of the Bill in the absence of a clear definition of debtor. It may be said that a ruling can be had from the High Court on the point. But an agriculturist debtor is too poor a person to go up to the High Court.

Probably in most cases he will not be able to prefer an appeal even in the court of a district judge. But if at all he goes to the High Court, it will take at least two or three years if not more as has been the case so far, to decide his appeal finally. This part of the amendment being vague and indefinite merits strong opposition from the House. If the definition of the word "debtor," as given in the amendment, is accepted, the debtors for whom the Bill is intended, would stand to gain nothing. But supposing the courts condescend to hold that one who derives more than half of his income from agriculture is a person who earns his livelihood mainly by agriculture, even then the debtor will have to face certain insurmountable difficulties. He will have to prove from what different sources his income is derived. If under the law of evidence the onus is placed on the debtor, it would be difficult for him to establish his case for the courts do not attach much importance to oral evidence. On the other hand if documentary evidence is adduced they have to consider whether it is or is not admissible under the existing law. Very often documents have been declared to be inadmissible on account of certain legal and technical defects.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : If the word "mainly" is omitted, it will worsen the situation.

Rao Bahadur Chaudhri Chhotu Ram : I do not say that the word "mainly" should be omitted. In my opinion the whole definition should be deleted. I was submitting that documentary evidence in many cases will not be admitted on account of certain legal or technical objections.

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

If the document in possession of the debtor is in the handwriting of a third person it would be expensive for him to produce its writer. And if it is written by the creditor and he denies having written it the evidence of a handwriting expert would become necessary. In that case the debtor will have to incur a lot of expense. But even if the expert opinion is obtained, it is not safe to attach to it any great evidential value. According to a ruling of the High Court, to base judgment on expert opinion alone is not free.

✓ [R. B. Chhotu Ram.]

from danger. In other cases the debtor in order to prove his point may have to produce copies of certain official records and for that also he will have to incur expenses. As I have already said the courts, for certain cogent reasons, do not attach much importance to oral evidence. The courts may not consider the evidence given by witnesses summoned by the debtor to be reliable for they will not be well-dressed gentlemen but will most probably be like the debtor himself dressed in rags. I would therefore submit that it would be both difficult and expensive for the debtor to prove that he earns his livelihood mainly by agriculture and consequently the debtor will not get relief which you want to afford to him by means of this Bill. It is, therefore, essential that such persons or such classes of persons as are to benefit by this measure and for whom this measure is intended, should be definitely and clearly specified. If you leave it to courts to decide which person or persons are entitled to the benefit of the Bill, you will certainly be depriving most of the debtors of the benefits, that are to accrue to them under this legislation. I need hardly say that the task of courts will also become very difficult. This is about the first part of the proposed definition of the word 'debtor.'

I shall now proceed to show that the second part of this definition is also very defective. It says that only such menials as live in villages will be able to avail themselves of the provisions of this Bill. Now there is a large number of menials who live in towns or I should say in big villages having a population of three or four thousand people declared as "notified areas." There is a large number of menials who live in the limits of what are known as "small towns." These menials, as you will be aware, Sir, live upon nothing else but what they get from the agriculturists as remuneration for the help that they render to the latter in tilling their lands. But as they do not live at places which are strictly speaking villages, but which have been declared notified areas or small towns committees, they will not be able to claim the status of a debtor for the purposes of this Bill. Although it will be easily proved and admitted too by the courts that such persons earn their livelihood as menials paid in cash or kind for work connected with agriculture, yet it will be impossible to grant them that status simply because they happen to live at a little distance from the countryside in the limits of notified areas and small town committees. It is obvious, therefore, that the word "village" that has been added before the word "menial" in the second part of this definition, will deprive many deserving persons of the advantages of this Bill. Before I pass on to the other parts of this definition I may point out that menials who help agriculturists and who have nothing else to do live in big towns too. The case of the Indian Christians is in point. Although they have embraced Christianity and although they prefer to live within the limits of municipal committees, they have not given up agricultural labour. Many of them still earn their livelihood by helping the agriculturists in their work connected with agriculture. But as they happen to live in towns and not in villages, they will not be able to benefit by the provisions of this Bill. Their claim for being declared as debtors for purposes of this Bill will at once be rejected. Therefore I say that if it is not the intention of the Government and the House to defeat the object of this Bill, the word 'village' before 'menial' must not be allowed

to be retained. The retention of this word, I need not repeat, will exclude many deserving persons from the category of debtors.

I now come to the explanations. The first of them says that a debtor shall not lose his status as such through involuntary unemployment or on account of temporary or permanent incapacity or if he is or has been in service of His Majesty's Military or Naval Forces, only on account of his pay and allowances or pension exceeding his income from agricultural sources. I may at once say that this explanation is not happily worded particularly in the last part of it. The word 'only' is certainly very misleading. Suppose a person belonging to a notified agricultural tribe, is in receipt of pay and allowances or pension as a servant or ex-servant in the Military or Naval Forces and he has some income, although very small, from another non-agricultural source too and that his income from these two sources exceeds his income from agricultural sources, will the courts decide in such a case that he and similar other persons do not lose their status as debtors? Certainly not. The decision will be surely against them. Therefore it goes without saying that a large number of persons for whom this Bill is meant will again be excluded from the category of debtors. That will be the sure result of this explanation as it now stands. If, of course, the pay and allowances or pension of a servant in the Military or Naval Forces were to be declared as agricultural income, no such difficulty will arise and the courts will have no doubts on the point. But if this explanation is allowed to remain as it is, a large number of the loyal servants of the Government from districts like Rawalpindi, Jhelum, Rohtak, Ludhiana, Hoshiarpur and Gurdaspur will find it impossible to derive any benefit from the provisions of this Bill. While on this point, I may be permitted to say that most of the people in these districts are very poor. Their holdings are very small and yield very limited incomes. Most of them own only one or two acres of land. These districts also lack irrigation facilities, as I understand there are no canals in Rawalpindi and Hoshiarpur districts. (Interruption.) I am just now told that there is a canal in the Hoshiarpur district which irrigates only a very small portion of it.

The Honourable Mr. D. J. Boyd : Mention Simla also.

Rao Bahadur Chaudhri Chhotu Ram : If the number of agriculturist debtors in Simla is sufficiently large, I have no objection to please the Honourable Finance Member and include in my list Simla as well. However, what I wanted to convey was that deserving persons like these will be deprived of the advantages of this Bill if this explanation is not more happily worded.

The Honourable Mr. D. J. Boyd : Is not this a long way off the debate?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** It is not a long way off the debate at all. I am bringing out the defects of this definition. I was saying that if military pay and allowances were to be considered a portion of the income from agricultural sources, the difficulty could be solved. But if the Government is not prepared to do that, it will be going against the interests of its own loyal servants who having very small holdings and who being very poor, deserve its help more than anybody else.

The second explanation says that a debtor shall not lose his status as such by reason of the fact that he makes income by using his plough cattle.

✓ [R. B. Ch. Chhotu Ram.]

for purposes of transport. Against this explanation I have the same objection which I have raised against the first explanation. In regard to this explanation also, therefore, I shall make the same suggestion and, that is, that such income should be taken to be a portion of the income from agricultural sources. That will achieve the object which, the Government also has in view. As regards the third explanation I have nothing to say against it. It will serve our purpose all right even as it is and therefore no change need be made in it.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It appears that it is not intended to finish the work to-day.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I now turn to the second part of this definition. It says that "Agriculture shall include horticulture and the use of land for any purpose of husbandry inclusive of the keeping or breeding live-stock, poultry, or bees, and the growth of fruit vegetables and the like." I must admit that this is a very useful part of the definition.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Sir, I beg to move—

That the question be now put.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I was about to say, Sir, that if in other portions of the definition the income from pay and pension from the Military Department or income derived by the use of cattle for purposes of transport could have been included in the income from agricultural sources, the object which is so dear to us and which, I hope, is dear to the Government as well, could have been easily achieved. To sum up, I may say that with the exception of the two parts of this definition the rest are open to very serious objection and are certainly very defective. Unless those defects are removed the courts will find it very difficult to discharge the duty which this measure will impose on them, in a satisfactory manner. In my humble opinion we are not here to increase and add to the difficulties of the courts which they will have certainly to face if these defects, which I have pointed out, are allowed to remain. I think that it is our duty to facilitate the task of the courts and not to make their task difficult. We must not pass provisions which would complicate matters. Everything that we adopt must be clear and precise and beyond all doubt. But as this definition does not come up to that standard, it will be better to drop it altogether. We have already adopted a definition of the word 'debtor.' Why should we rise in rebellion against it. I know that a very unimportant and innocent amendment was passed by the House against the wishes of the Government. But that is no reason why the Government should fly into fury and should try to undo what the House has already done. Can it not be so large-hearted as to respect in one small point the wishes of those who have always been studiously trying to respect its wishes and on occasions had made substantial sacrifices? Are those sacrifices of ours to result in nothing? Government ought to know that if a person sometimes chooses to yield to another person, he does so with the expectation that at some other time the other man will also yield to him. Similarly if we have been always trying to meet the wishes of the Government we have been doing so with the hope that Government too will meet our wishes on some occasion.

We never expected that the Government would always be selfish and that it would always expect to get something and would never give anything in return like the urban people.

The Honourable Dr. Gokul Chand Narang : Then, how is it that the rural people have become indebted to the urban people if the latter were never in the habit of giving but always in the habit of taking ?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** By the time of final settlement the urban people take many times more than they have given. Whether it is on account of constant association with the urban people or for some other reason I do not know, but it is plain that the mentality of the Government has changed. Now it seems to have come to believe only in 'taking' and never 'giving.' That is not the attitude that a Government should adopt. Sometimes it must try to please those who have always been its obedient servants. It is neither politic nor proper that the Government should always insist on the fulfilment of its own desires. It is its duty to have some regard for the wishes of those also whose care it is always to help and co-operate with it. But if it is not prepared to listen to what we have to say and if it is determined to have its own way it will mean that it is behaving like that powerful man who will beat a weak man and who will not allow the man subjected to beating even to cry.

(The Deputy President was reading a newspaper.)

Mr. President : I am sorry that the honourable the Deputy President is reading a newspaper. This is not the place for reading newspapers.

Pir Akbar Ali : I hope it is not your ruling that a member cannot read a newspaper even if he is reading something concerning the debate that is going on.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I move—

That the question be now put.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I was submitting Sir, that it does not behove the Government to act in this manner. If it will have no regard for our feelings and will hurt them, we must naturally cry in protest and express our resentment against that attitude. That is but natural. We cannot go against nature. We know that Government will begin to call us unreasonable and obstinate. It will say that we are not prepared to listen to reason although we are always prepared to bow before reason. But we will not mind that because truth, as we are sure, is on our side. We are only asking for what is most reasonable and most desirable. We are sure, that this charge against us must fail ultimately because we have always been so accommodating and obliging to the Government and intend to remain so in future. We have been accommodating and obliging even to those who have the privilege of close association with the Government. I mean to say that we have always been accommodating to the urban people as well.

Mr. Nanak Chand Pandit : Why are you joking ?

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I can cite instances to show that we have been accommodating to the urban people as well.

Mr. President : I request the honourable member to speak to the motion.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Sometimes I have to digress in order to reply to the remarks of the honourable members who choose to interrupt me. What I have been driving at all along was that after the House had adopted on another occasion a very desirable and a very reasonable definition of the word 'debtor' it was not proper for the Government to come forward with this proposal.

The Honourable Mr. D. J. Boyd : The honourable member has said this about twenty times.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** To bring home a point sometimes it becomes necessary to repeat it even twenty-one times. However in deference to the wishes of the Honourable the Finance Member I shall leave that point here.

I may now be permitted to say that I have enumerated one by one the defects that are found in the definition proposed by the Government. I have analysed each part of the definition and I have shown what its effect will be if it is allowed to remain as it is.

The Honourable Mr. D. J. Boyd : May I invite your attention to paragraph 59 (2) (ii) of the Constitutional Manual which says :—

✓ 'A member shall not use his right of speech for the purpose of wilfully and persistently obstructing the business of the Council.'

✓ **Rao Bahadur Chaudhri Chhotu Ram :** What I am doing or saying is certainly included in the business of the Council. If I were to be guided and controlled by the opinion of the Honourable Finance Member even in the use of my right as a member of the Council, I am sure I should not be allowed to say much. But thank God that the power of control lies somewhere else. I am really sorry that I cannot accede to the wishes of the Honourable Member. I was saying, Sir, that I have analysed at length the different parts of the proposed definition in order to show that it is defective and harmful whether as a whole or taken in parts.

The Honourable Mr. D. J. Boyd : We must appeal to the Chair. There is no other protection.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I was about to finish, Sir. But before I close I must say once again that this definition is very defective and it should be rejected.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member has repeated arguments several times. I quite realise that he is using his speech for dilatory purposes, but I think there should be a limit to these tactics.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I wanted to say that the effect of all the different parts of the definition put together and even the effect of individual portions of the definition will be detrimental to the interests of the people for whose benefit this Bill is being passed into law.

The Honourable Mr. D. J. Boyd : I appeal to the Chair.

Mr. President : Please allow the honourable member to proceed.

✓ **Rao Bahadur Chaudhri Chhotu Ram** : I think I have every right to continue my speech until I have said all that I can to convince the House of the harmful effects that this definition will produce.

Mr. President : Subject to the restrictions contained in our Standing Orders every honourable member has a right of speech and when there is no time limit he can speak as long as he pleases on the matter under discussion, but the sole object of his speech must be discussion of the question before the House. Obstruction by bringing in irrelevant matter or unnecessarily prolonging one's speech is undesirable and the honourable member being the leader of the biggest party in the House, is expected not to employ any dilatory or obstructive tactics (*hear, hear*).

✓ **Rao Bahadur Chaudhri Chhotu Ram** : Sir, the matter is so very important that it had to be discussed threadbare and I had to take such a long time over it. I think what I have said I have said with one simple aim and that is to convince the House of the defects that are to be found in the definition proposed by the Government.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : May I remind you of another occasion in this House when I was speaking to a resolution moved by the honourable member opposite. I spoke up till after six o'clock and you were pleased to put the motion to vote even though I had talked out the motion.

Chaudhri Allah Dad Khan : May I point out that not a single word has been objected to by the Chair as irrelevant or as a repetition?

✓ **Mr. President** : I did not solicit the honourable member's opinion.

✓ **Rao Bahadur Chaudhri Chhotu Ram** : What I wanted to impress upon the House was that the definition proposed by the Government would, if adopted, defeat the very object of the Bill.

Mr. President : Repetition is not fair.

✓ **Rao Bahadur Chaudhri Chhotu Ram (Urdu)** : Sir, I do not deny that in the previous portions of my speech some arguments may have been repeated. But now, towards the end of my speech, I am only summing up my arguments for the benefit of the honourable members. Therefore, it cannot be said that the last portion of my speech is either unnecessary or irrelevant. In the end I urge that whether you consider the accumulative effect of the whole amendment or the effect of any individual portion of it you are bound to come to the conclusion that by accepting it the purpose of the Bill would be frustrated, and, consequently the Council should reject this amendment.

(At this stage the Honourable President enquired the number of members who wanted to speak on the motion.—11 members standing).

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : May I ask if they wish to support the motion or oppose it?

Shaikh Abdul Ghani : May I just propose an amendment to one of the explanations, explanation No. 2 of the motion proposed? This was already printed up in the list at page 3 of the Fourth Revised List, as No. 25.

Mr. President : The honourable member will have to give notice.

The Council then adjourned till 2 P.M., on Monday, 26th November

1934.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Monday, 26th November 1934.

The Council met at the Council Chamber at 2 P.M. of the clock. Mr. President in the chair.

OATH OF OFFICE.

Sardar Bahadur Captain Sardar Janmeja Singh (nominated non-official) was sworn in.

STARRED QUESTIONS AND ANSWERS.

VILLAGES IRRIGATED BY LOWER JHEULM CANAL.

***3941. Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member please state—

- (a) how many villages of the Gujrat district are irrigated by the Lower Jhelum Canal ;
- (b) whether he is aware that the Upper Jhelum Canal irrigates the remaining villages of the Gujrat district except those in (a) ;
- (c) whether he is aware that for the villages in (a) there are two instalments yearly for the payment of land revenue, while for villages in (b) there is only one ;
- (d) whether he is aware that the land revenue of both the sets of villages in (a) and (b) respectively was levied in a single settlement report ;
- (e) if answers to (c) and (d) be in the affirmative, what action the Government intends to take in the matter ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Eleven.

- (b) Yes, the remaining canal irrigated villages.
- (c) (a) Yes.
(b) No.
- (d) No.
- (e) Does not arise.

***3942. Cancelled.**

FIRST OFFENDERS.

***3943. Mr. Mukand Lal Puri :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that at the 1st Provincial Conference of the Punjab Jails Non-Official Visitors' Association held in January, 1933, a resolution was passed unanimously recommending to the Government that short term imprisonment should be abolished ;
- (b) whether it is a fact that the same Conference recommended to the Government that necessary legislation be passed for " Release on Probation of First Offenders " ;
- (c) whether it is a fact that a draft of a Bill of " Release on Probation of First Offenders " was submitted to the Government for its consideration ;
- (d) whether Government is aware that the present provisions of Section 562 of the Criminal Procedure Code cannot serve the real purpose of a " Release on Probation of First Offenders Act ", as recommended by the Punjab Jails' Non-Official Visitors' Association, as the necessary machinery of probation officers, etc., required under the Probation Act does not exist and that the provisions of Section 562, Criminal Procedure Code, are more limited in their application than would be provided with the Probation Act and its machinery ;
- (e) whether it is a fact that similar resolutions were passed by the second Provincial Conference of the district Secretaries of the Punjab Prisoners' Aid Society ;
- (f) whether it is a fact that the Government of India recently circulated the draft of a Bill of " Release on Probation of First Offenders " and later on dropped this measure for reasons of its being a matter for the provincial Governments ;
- (g) if replies to questions from (a) to (f) are in the affirmative, what action Government proposes to take in the matter ?

The Honourable Mr. D. J. Boyd : (a), (b) and (c) Yes.

(d) This is a matter of opinion.

(e) Government have no information.

(f) Yes.

(g) Owing to the cost of experiment Government are unable at present to consider the introduction of any system of release on probation of first offenders.

Rai Bahadur Lala Sewak Ram : With reference to the answer to part (e) I wish to ask a supplementary question. Will Government please state whether by this method the number of short term prisoners will be reduced ?

The Honourable Mr. D. J. Boyd : I should think that is probable.

Rai Bahadur Lala Sewak Ram : As regards the answer to part (h), is a non-official visitor debarred from seeing any prisoner or can he see every prisoner in the jail ?

The Honourable Mr. D. J. Boyd : I see no reason at all why a non-official visitor could not see every one of the prisoners.

Rai Bahadur Lala Sewak Ram : Is any non-official visitor debarred from seeing any political prisoner ?

The Honourable Mr. D. J. Boyd : He is not debarred but special visitors have been appointed to see political prisoners.

Rai Bahadur Lala Sewak Ram : I specifically ask, is he debarred or not ?

The Honourable Mr. D. J. Boyd : He is not.

Rai Bahadur Lala Sewak Ram : Has the Superintendent power to stop a non-official visitor from seeing any prisoner whomsoever that non-official visitor should like to see ?

The Honourable Mr. D. J. Boyd : May I have notice of that question ?

NON-OFFICIAL VISITORS OF JAILS.

***3944. Mr. Nanak Chand Pandit :** Will the Honourable Finance Member be pleased to state—

- (a) what qualifications are taken into consideration for the appointment of non-official visitors of Jails in the Punjab ; and whether these qualifications are observed in the appointment of every non-official visitor ;
- (b) whether it is a fact that a number of non-official visitors of jails are appointed from among those persons who cannot write their remarks in the Jail Minute Book in English, and who do not permanently reside in the city or town where jail is situated and of which they are the non-official visitors ;
- (c) whether Government is aware that the non-official visitors of jails feel great hesitation in writing their observations with any spirit of independence, in the Jail Minute Book kept for the purpose, in the presence of the Jail officials and in certain cases are obliged to write eulogising remarks ;
- (d) whether it is a fact that the Punjab Jails Non-Official Visitors' Association passed a unanimous resolution requesting the Government to allow the non-official visitors to write their observations of a Jail visit either at their homes or at an independent place in the Jail, where no official of the Jail may be present at that time ;

[Mr. Nanak Chand Pandit.]

- (e) if the replies to questions (b), (c) and (d) are in the affirmative, what action the Government propose to take for removing the existing defects, and if the Government propose to take no action, the reasons in each case;
- (f) whether it is a fact that a number of honorary magistrates are appointed non-official visitors of the jails of their own place; if the reply to this question is in the affirmative, whether Government propose to revise the appointments of such non-official visitors of jails;
- (g) how often a non-official visitor is expected to visit his jail; whether it is a fact that a number of non-official visitors of jails do not pay their regular scheduled visits required normally under the rules and if so, how many such cases were reported to the Government and for what action during 1933 and what action Government took in each case;
- (h) whether it is a fact that a number of non-official visitors of jails during their visit to a jail do not see every prisoner confined there even at least once a month; if so, whether Government intends to take necessary steps to ensure that every prisoner confined in a jail was seen by every non-official visitor of a jail at least once a month if not oftener, and if necessary amend the existing rules to this effect;
- (i) whether it is a fact that Superintendents of Jails in many cases write contradictory remarks against the observations recorded in the Minute Book by a non-official visitor of the Jail and that a copy of Superintendent's explanation is not immediately sent to the non-official visitor concerned and the Inspector-General of Prisons gives no opportunity to the non-official visitor to establish the truth of the observations recorded by him; if so, whether Government intends to take necessary steps to assure due credence and value to the observations recorded by a non-official visitor of jails?

The Honourable Mr. D. J. Boyd: (a) Non-official visitors are chosen on the ground of definite qualifications such as interest in prison matters or other social work, ability and willingness to assist in finding work for prisoners on release.

(b) It is not incumbent on a non-official visitor to write his remarks in English or to reside in the town in which the jail is situated.

(c) No such complaint has been received by Government from a non-official visitor.

(d) Yes. Jail officials are required to withdraw when a non-official visitor is recording his remarks.

(e) Does not arise.

(f) First part, Yes. Second part, No.

(g) The honourable member is referred to paragraph 52 of the Punjab Jail Manual. Some non-official-visitors do not pay the required number of visits and they are not re-appointed unless special considerations exist. It would involve considerable labour to obtain the figures asked for by the honourable member.

(h) It is nowhere laid down that a non-official visitor should see every prisoner during his visit, nor is this practicable in the majority of jails. Government are not prepared to amend the rules in this respect.

(i) There have been occasions when Superintendents of Jails have contradicted the remarks of non-official visitors. The Inspector-General of Prisons considers both sets of remarks and his conclusions are communicated to the non-official visitor through the Jail Superintendent. The honourable member is referred to paragraph 55 (3) of the Punjab Jail Manual.

LADY NON-OFFICIAL VISITORS OF JAILS.

***3945. Khan Bahadur Sardar Habib Ullah :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the first Provincial Conference of the Punjab Jails' Non-Official Visitors' Association held in January, 1933, passed a unanimous resolution recommending to the Government that ladies should be appointed non-official visitors for all Jails in the Punjab at which women are confined as under-trials or prisoners for however short period such a confinement may be ; if so, what action it has taken or proposes to take on the resolution passed by the Punjab Jails' Non-Official Visitors' Association ;
- (b) whether it is a fact that for a number of District or Sub-Jails where women are confined as under-trials or convicted offenders, lady non-official visitors are not appointed ;
- (c) whether Government is aware that at Lucknow the Government of the United Provinces have appointed two ladies as honorary magistrates to try women and juvenile accused ; if so, whether Government intends to appoint some women magistrates in the Punjab ;
- (d) whether it is a fact that the first Provincial Conference of the Punjab Jails' Non-Official Visitors' Association held in January, 1933, passed a unanimous resolution recommending to the Government that necessary measures be adopted for establishing Children's Courts in the Punjab and that the necessary machinery of Certified Schools, Probation Officers and Remand Homes and the appointment of lady magistrates on the Bench of Children's Courts be set up ;
- (e) whether it is a fact that a similar resolution was later on passed by the second Provincial Conference of the District Secretaries of the Punjab Prisoners' Aid Society ;

[K. B. Sardar Habib Ullah.]

- (f) if the replies to (d) and (e) are in the affirmative, what action Government proposes to take on such a resolution passed by two independent organisations interested in the prisoners' reform work, and in case the Government proposes no action the reasons for such decision, when Juvenile Courts are successfully functioning in the Bombay, Madras and Bengal Presidencies?

The Honourable Mr. D. J. Boyd : (a) and (b) Acting on the recommendation of the Conference of Non-official Visitors referred to by the honourable member, Government have appointed lady non-official visitors for all jails for which they are required and where suitable ladies were forthcoming.

(c) First part, Government have no information : Second part, does not arise.

(d) Yes.

(e) Government have no information.

(f) The proposals in question involve fresh expenditure and are not urgent. They cannot be undertaken immediately.

Rai Bahadur Lala Sewak Ram : I want to know the jails where lady non-official visitors have not been appointed. Can the honourable member give that information?

The Honourable Mr. D. J. Boyd : No, not off-hand. I shall be glad to supply the information if notice is given.

Rai Bahadur Lala Sewak Ram : Will Government see that a lady non-official visitor is appointed for every jail because there is no prohibition of ladies being sent to particular jails?

The Honourable Mr. D. J. Boyd : I understand that lady visitors have been appointed in about three-quarters of our jails. Where you hardly have any female prisoners it is doubtful whether the appointment is necessary and it is not always possible to find suitable lady visitors. But if the honourable member will give notice of that question I shall consider the matter.

PRINTING WORK OF LAHORE HIGH COURT.

***3946. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state the number of firms who do printing of paper-books and other work for the Lahore High Court, and the number of such firms owned by Hindus, Sikhs and Muslims, respectively, stating also the total payments made by the High Court to the—

(a) Hindu firms,

(b) Sikh firms,

(c) Muslim firms,

during each of the years 1927 to 1934, inclusive?

The Honourable Mr. D. J. Boyd: A statement is laid on the table—

Statement.

		PAYMENTS MADE DURING			
		1927.	1928.	1929.	1930.
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Hindu firms	.. 12	8,209 3 0	7,100 2 0	4,590 12 0	9,868 4 0
Sikh firms	.. 3	3,312 8 6	3,863 0 0	2,061 0 0	1,959 4 0
Muslim firms	.. 11	12,336 7 0	11,967 0 0	9,008 4 0	10,639 12 0
Total number of firms.	26				

		PAYMENTS MADE DURING			
		1931.	1932.	1933.	1934.
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Hindu firms	.. 12	13,041 4 6	38,916 9 6	28,835 14 9	14,933 9 0
Sikh firms	.. 3	3,937 8 3	7,607 9 9	7,059 13 6	3,724 6 6
Muslim firms	.. 11	24,488 10 9	48,401 6 3	32,963 4 6	14,473 9 0
Total number of firms.	26				

BANKING COMPANIES.

***3947. Chaudhri Muhammad Abdul Rahman Khan:** Will the Honourable Revenue Member be pleased to state the total number of banking companies registered under the Indian Companies Act, 1913, in the Punjab?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan: The information asked for by the honourable member is not readily available and to collect it would take time and entail the appointment of additional staff. It is considered that the value of the information demanded will not be commensurate with the labour involved.

BANKING COMPANIES.

***3948. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total of the—

- (a) nominal,
- (b) subscribed,
- (c) paid up,

share-capital of banking companies registered in the Punjab under the Indian Companies Act, stating also, how much of such capital belongs to—

- (a) Hindus,
- (b) Sikhs,
- (c) Muslims?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer given to his question No. *3947.

DIRECTORS OF BANKING COMPANIES.

***3949. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total number of Directors of Companies registered under the Indian Companies Act, 1913, in the Punjab and engaged in banking business in all its various branches, stating also the number of such directors, community-wise?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer given to his question No. *3947.

INSURANCE COMPANIES.

***3950. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total number of Insurance Companies registered in the Punjab?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer given to his question No. *3947.

DIRECTORS OF INSURANCE COMPANIES.

***3951. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total number of directors of insurance companies registered in the Punjab, stating also the number of such directors, community-wise?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer given to his question No. *3947.

INSURANCE COMPANIES.

***3952. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total of the—

- (a) nominal,
- (b) subscribed,
- (c) paid-up,

share-capital of the insurance companies registered in this province, stating also how much of such capital belongs to—

- (a) Hindus,
- (b) Sikhs,
- (c) Muslims ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer given to his question No. *3947.

ELECTRIC SUPPLY COMPANIES.

***3953. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total number of companies engaged in the supply of electric energy and registered in the Punjab under the Indian Companies Act ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer to his question No. *3947.

DIRECTORS OF ELECTRIC SUPPLY COMPANIES.

***3954. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total number of directors of companies in the Punjab which are engaged in the supply of electric energy, stating also the total number of such directors community-wise ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer given to his question No. *3947.

DIRECTORS OF ELECTRIC SUPPLY COMPANIES.

***3955. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total of the—

- (a) nominal,
- (b) subscribed,
- (c) paid up,

share-capital of companies registered in the Punjab which are engaged in the supply of electric energy, stating also, how much of such capital belongs to—

- (a) Hindus,
- (b) Sikhs,
- (c) Muslims ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer given to his question No. *3947.

SUGAR MANUFACTURING COMPANIES.

***3956. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total number of companies engaged in the manufacture of sugar and its various by-products and registered in the Punjab under the Indian Companies Act ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer given to his question No. *3947.

SUGAR MANUFACTURING COMPANIES.

***3957. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total of the—

- (a) nominal,
- (b) subscribed,
- (c) paid up,

share-capital of companies registered under the Indian Companies Act, 1913, in the Punjab, and engaged in the manufacture of sugar and the various by-products thereof, stating also how much of such capital is —

- (a) Hindu,
- (b) Sikh,
- (c) Muslim ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer given to his question No. *3947.

DIRECTORS OF SUGAR MANUFACTURING COMPANIES.

***3958. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total number of directors of companies in the Punjab, registered under the Joint Stock Companies Act, 1913, and engaged in the manufacture of sugar, stating also the number of such directors community-wise ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer given to his question No. *3947.

FILM COMPANIES.

***3959. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total number of companies in the Punjab, engaged—

- (a) in the manufacture of cinematographic films,
 - (b) in the distribution of cinematographic films,
- and registered under the Indian Companies Act in the Punjab ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer given to his question No. *3947.

DIRECTORS OF FILM COMPANIES.

***3960. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total number of directors of Film Companies, registered in the Punjab, stating also the number of such directors community-wise ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer given to his question No. *3947.

FILM COMPANIES.

***3961. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state the total of the—

- (a) nominal,
- (b) subscribed,
- (c) paid up,

share-capital of film companies registered in the Punjab, stating also, how much of such capital is —

- (i) Hindu,
- (ii) Sikh,
- (iii) Muslim ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is referred to the answer given to his question No. *3947.

PUBLIC PROSECUTORS.

***3962. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state the total number of Public Prosecutors of each grade in the province, also stating for each grade the strength of the Muslim representation and among the Muslims of each grade the number of agriculturists and the number of non-agriculturists ?

The Honourable Mr. D. J. Boyd : A statement is laid on the table.

Statement.

Grades of Public Prosecutors.			Total No. of Public Prosecutors.	Muslim Agri-culturists.	Muslim Non-agriculturists.
Rs. 1,200	..	..	2	..	..
Rs. 1,050	..	..	1	1	..
Rs. 900	..	..	5	2	..
Rs. 750	..	..	5	1	2
Rs. 650	..	..	4	2	..
Rs. 500	..	..	11	2	1
Rs. 400	..	..	3 (2 temporary).	1 (temporary).	..

NOTARIES PUBLIC.

***3963. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state the provincial total of Notaries Public in the Punjab, stating the strength of each community and how many among each community are agriculturists and how many are non-agriculturists and the total emoluments of each community during the last year for which figures are available ?

The Honourable Mr. D. J. Boyd : The information is being collected and will be supplied to the honourable member when ready.

INSOLVENTS.

***3964. Chaudhri Muhammad Abdul Rahman Khan:** Will the Honourable Finance Member be pleased to state the provincial total per year, community-wise, stating how many were agriculturists and how many were non-agriculturists, of those who were—

(a) adjudicated insolvent during each of the last ten years ;

(b) granted discharge certificates by insolvency courts, during the same period ?

The Honourable Mr. D. J. Boyd : As the expense involved in compiling the information asked for would be out of proportion to the value of the result the Government regret that they are unable to answer this question.

ESTABLISHMENT IN THE OFFICES OF INSPECTOR-GENERAL OF CIVIL HOSPITALS, PUNJAB, AND THE CIVIL SURGEONS IN THE PUNJAB.

***3965. Chaudhri Muhammad Abdul Rahman Khan:** Will the Honourable Minister for Education be pleased to state the total number of—

- (a) Superintendents,
- (b) Assistant superintendents,
- (c) Head clerks,
- (d) senior clerks, and
- (e) junior clerks,

in the offices of—

- (i) Inspector-General of Civil Hospitals, Punjab ;
- (ii) the Civil Surgeons in the Punjab ?

The Honourable Malik Sir Firoz Khan Noon : A statement containing the required information is laid on the table—

Statement.

(i) OFFICE OF THE INSPECTOR-GENERAL OF CIVIL HOSPITALS, PUNJAB.

Superintendent	..	..	1
Assistant superintendent	..	..	Nil.
Head assistants	..	..	5
Head clerks	..	..	Nil.
Assistants	..	..	5
Stenographer	..	..	1
Senior clerks	..	..	9
Junior clerks	..	..	14

(ii) OFFICES OF THE CIVIL SURGEONS IN THE PUNJAB.

Superintendents	..	..	Nil.
Assistant superintendents	..	..	Nil.
Head clerks	..	..	29
Senior clerks	..	..	29
Junior clerks	..	..	29

COURT COMMISSIONS.

***3966. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state the total number of—

- (a) commissions issued, or
- (b) receivers of various kinds appointed,

by the—

- (i) High Court,
 - (ii) the civil courts in the province,
- during each of the years 1927—1934 inclusive, and how many of the total number went to Muslims in each year ?

The Honourable Mr. D. J. Boyd : The information is not readily available and the expenditure of time and labour involved in compiling it would be out of proportion to the value of the result. In the circumstances I regret that I am unable to supply the required information.

USUFRUCTUARY MORTGAGE OF LAND IN GUJRAT DISTRICT.

***3967. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) the total acreage of agricultural land in the Gujrat district ;
- (b) the total acreage of agricultural land in the Gujrat district which is at present under usufructuary mortgage to non-agriculturists ;
- (c) the total of agricultural land given by agriculturists to non-agriculturists on usufructuary mortgage during each of the last ten years ;
- (d) the total of areas which, having been under usufructuary mortgage to non-agriculturists, reverted to the agriculturist owners in the district in each of the last ten years ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) The total acreage of agricultural land in the Gujrat district in 1932-33 (the latest year for which statistics are available) was 1,419,081.

(b) 97,868 acres belonging to agriculturists and 44,858 acres belonging to non-agriculturists, that is to say, 142,726 acres in all, were under usufructuary mortgage at the end of 1932-33 ; but Government have no information how much of this area was under mortgage with agriculturists and how much with non-agriculturists.

(c) and (d) Government have no information and are of the opinion that its collection would involve an expenditure that would not be in the public interest to incur.

COURT ATTACHMENTS IN GUJRAT DISTRICT.

***3968. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state the total number of houses—

- (i) brought under attachment,
- (ii) put to auction-sale,

[Ch. Muhammad Abdul Rahman Khan.]

in the execution of decrees by civil courts in the Gujrat district in each of the last seven years, and the number of houses among these which belonged to agriculturists ?

The Honourable Mr. D. J. Boyd : The honourable member's attention is invited to the reply given to question No. *3171¹. The Government regret that they are unable to supply further information.

REPRESENTATION OF FACULTY OF LAW IN THE PUNJAB UNIVERSITY.

***3969. Chaudhri Muhammad Abdul Rahman Khan :** With reference to the Honourable Minister for Education's reply to starred question No. 8696², dated the 25th October, 1934, will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the practice up to comparatively a recent date had always been for the Dean of the Faculty of Law *ex-officio*, to represent that Faculty in the Syndicate ;
- (b) whether it is a fact that all the Chief Justices of the Province, have hitherto been Deans of the Faculty of Law and that they have been so *ex-officio* ;
- (c) whether it is a fact that till a recent date during Sir Shadi Lal's Deanship of the Faculty of Law, the practice that the Dean should represent this Faculty on the Syndicate continued uninterrupted ;
- (d) whether it is a fact that shortly before Sir Shadi Lal's retirement, the Faculty by its resolution decided that in future it should elect its representative on the Syndicate ; if so, the date on which this decision was made ;
- (e) whether there is any intention of reverting to the old wholesome tradition that the Dean of the Faculty of Law should represent it on the Syndicate ?

The Honourable Malik Sir Firoz Khan Noon : (a) No, the Deans of the Faculty of Law have not been representing the Faculty on the Syndicate *ex-officio*.

(b) The Chief Justices of the province have not been *ex-officio* Deans of the Faculty of Law.

(c) Yes, the Right Honourable Sir Shadi Lal had been representing the Law Faculty on the Syndicate but not *ex-officio*. He was also on the Syndicate before he became Chief Justice. His predecessor, the late Sir Henry Rattigan, was not a member of the Syndicate.

(d) No change in the procedure has been made—the Faculty has always been electing its representatives on the Syndicate.

(e) Does not arise.

¹ Volume XXIV, page 1032.

² Page 554 ante.

MUMTAZ BANK, LIMITED.

***3970. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state—

- (a) the names of those who were promoters of the Mumtaz Bank, Limited, now in liquidation, what was the nominal share-capital of the Bank and how much of it had been paid up by the date on which the Bank was wound up by orders of the court ;
- (b) the amount of cash paid by the Bank in various forms to each of its directors before the liquidation commenced, specifying the name of each director and the amount so paid to him, the way in which liability arose and the extent to which each of such directors claims to be a creditor of the Bank in liquidation also, stating also the nature of his claim ;
- (c) whether it is a fact that some persons were Directors of the Bank, although they had paid no application money or allotment money and the total number and names of such directors and whether it is a fact that some of the directors so elected did not attend a single meeting of the board of directors and, if so, the names of the latter class of directors ;
- (d) if persons were in fact elected directors of the Bank without having paid any application or allotment money, the names of those promoters who so elected them ;
- (e) whether it is a fact that the Bank commenced business, while yet there were directors who had not paid application money or allotment money on their shares ; the reasons why in such circumstances, a certificate of commencement of business was granted and the names of those promoters who were so responsible for the commencement of the business ;
- (f) the length of time for which the Bank continued to do business and the number of balance sheets filed with the Registrar of Joint Stock Companies during that period ;
- (g) the number and names of persons to whom shares were allotted without their having paid application or allotment money and the number among such persons of those who have been settled on the list of contributories of the Bank ;
- (h) whether Government is aware that allegations of gross fraud have been made against some of the promoters ;
- (i) whether any of the promoters has been subjected to any public examination ;
- (j) whether Government in view of the way in which the affairs of this Bank were managed intends to hold a public enquiry ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It is regretted that the information asked for cannot be supplied as the case is *sub judice*.

SHORT NOTICE QUESTION AND ANSWER.

CONFINEMENT OF BABU SATINDRANATH SEN, A BENGAL DETENU,
IN CAMPBELLPUR JAIL.

Chaudhri Afzal Haq : Will the Honourable Finance Member be pleased to state—

- (a) whether Babu Satindranath Sen, a Bengal detenu, is now confined in the Campbellpur Jail ;
- (b) if so, whether the said Babu Satindranath Sen is at present in a precarious state of health ;
- (c) whether it is a fact that on or about the 20th October 1934, the said Babu Satindranath Sen wired to his relations in Barisal (Bengal) that his condition was very precarious and that an interview with him should be forthwith arranged ;
- (d) if so, what medical arrangements have so far been made for the said detenu ;
- (e) whether the Government have informed the relations of the said detenu about the true state of his present health ; if not, whether they propose to do so now ;
- (f) whether Government contemplate transferring Babu Satindranath to a better place for more suitable treatment ; if not, why not ;
- (g) whether it is a fact that the younger brother of detenu Satindranath Sen sent a reply-paid telegram to the Superintendent of the Campbellpur Jail from Calcutta on 29th October 1934, but that no reply has yet been vouchsafed to that telegram ;
- (h) if so, the reasons for the silence ?

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) No.

(c) Yes.

(d) He was admitted to the Campbellpur Jail on the 10th January 1933. Since then his health has been indifferent. At the request of the Medical Officer of the Jail that a second opinion should be obtained the Civil Surgeon, Rawalpindi, examined him, and later on he was sent to Lahore for examination by the specialists at the Mayo Hospital. Their reports indicated that the detenu was not suffering from any disease or organic trouble. His trouble appears to be that he will not take enough exercise.

(e) The relatives of the detenu were informed by the Superintendent of the Jail about the state of his health on the 30th October 1934.

(f) No. The present place is quite suitable and has an exceptionally good climate.

(g) A reply to the telegram was sent by the Superintendent of the Jail on the 30th October 1934.

(h) Does not arise.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

New clause —(concluded).

Mr. President : The Council will now resume discussion on the proposed new clause 29.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural) : Sir, I have a suggestion to make. If that suggestion is acceptable to Government, then the discussion on the definition of 'debtor' may very considerably be cut short. My amendment is—

That at the end of the proposed new clause 29, the following proviso be added—

Provided that a member of a tribe notified as agricultural under the Punjab Alienation of Land Act shall be presumed to be a debtor as defined in this section until it is proved that his income from the sources specified above is less than his income from other sources.

The Honourable Mr. D. J. Boyd (Finance Member) : If the wording of this proviso is suitable, the Government is prepared to accept it. The only question is the question of wording. If we may have just one minute to consider, I shall be very much obliged. (*After consideration*).

With your permission, Sir, I would like to make an addition to the amendment which I have already moved in the hope that we may come nearer to an agreement than we are at present. Unfortunately the Leader of the Unionist Party and the Government have not been able to come to a complete agreement. But the difference will be greatly narrowed if you will permit me to add a proviso to the amendment I have moved. The Leader of the Unionist Party may then be allowed to move his amendment to the proviso. Thereafter the sense of the House may be gathered on my amendment. I move—

Before the explanations in clause 29 the following proviso be added :—

Provided that a member of a tribe notified as agricultural under the Punjab Alienation of Land Act shall be presumed to be a debtor as defined in this section until it is proved that his income from other sources is greater than his income from agriculture.

Diwan Bahadur Raja Narendra Nath : We have not got the amendment before us to be able to appreciate its merits. I should, therefore, suggest that we adjourn for a short while so that you may in the meanwhile get copies of the amendment printed and distributed to us.

Mr. President : I think we may proceed to discuss the whole new clause till the amendment is printed and distributed. The new clause proposed is—

For the purpose of this part of the Act—

(1) "debtor" means a person who owes a debt and—

- (i) who both earns his livelihood mainly by agriculture, and is either a landowner or tenant of agricultural land or a servant engaged in agricultural pursuits of a landowner or of a tenant of agricultural land ; or
- (ii) who earns his livelihood as a village menial paid in cash or kind for work connected with agriculture.

Then follow the explanations.

Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural) : I beg to move—

That in the proposed new clause 29, sub-clause (1), part (i), after the word "landowner" the words "or dependent" be added.

My reasons for moving this amendment are very simple. So far as the definition of the word "debtor" is concerned, it covers a landowner, a

[Ch. Riasat Ali.]

servant or his tenant and so on. There is another class in the same household. Supposing there is his son or any member of his family dependent on him or even his wife or other family relations in certain cases. There have been cases in which these persons have been, at least in the central parts of the Punjab, raising loans and they will not be entitled to the benefit of this Bill.

Mr. President : If the honourable member's amendment is carried the clause will read as follows :—

Who both earns his livelihood mainly by agriculture, and is either a landowner or dependent.

Instead of improving the clause it will make it meaningless. So the amendment is out of order.

Chaudhri Riasat Ali : Then I will say "dependent on the landowner".

Mr. President : That is a new amendment which I do not feel advised to allow.

Chaudhri Riasat Ali : But you have to-day allowed the amendment of the Leader of our Party, notice of which was given just now.

Mr. President : I would request the honourable member to wait and see.

Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural) : Sir, I beg to move—

That in the proposed new clause 29, sub-clause (1), part (ii), the word "village" be omitted.

This is a very simple amendment and it has been stated on the floor of this House that it is a village menial who alone requires this sort of relief under this Act. But if we omit this word, "village" it means that we will be giving relief to more people than are intended under this Act. Moreover a menial or a blacksmith or a carpenter who does not happen to reside in a village as put down here should not be debarred simply by reason of the fact that he is living in some municipality, small town or notified area. In fact that man might be deserving our sympathy more than the menial who is living in the village. It is only to give a larger scope to this section of the Act and to extend the benefits to those who really deserve them, irrespective of the question of their residence that I have moved this amendment. I mentioned the other day, of the case of a carpenter who repairs things intended for the purpose of agriculture. But if that carpenter happens to live in a place not covered by this section, he will be excluded from the benefits of this clause. I therefore move this amendment in order to give the clause a larger and extended scope.

Mr. President : Clause under consideration, amendment moved —

That in the proposed new clause 29, sub-clause (1), part (ii), the word "village" be omitted.

The Honourable Mr. D. J. Boyd : The expression "village menial" was used as the English equivalent of the word "kamin." I do not think we can get anything closer than that. Menial without the word "village" before it is very much the same, but I think "village menial" is frequently used for the expression "kamin."

Mr. President : The question is—

That in the proposed new clause 29, sub-clause (1), part (ii), the word "village" be omitted.

The motion was lost.

Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural) : Sir, I beg to move—

That in the proposed new clause 29, sub-clause (1), the words beginning with the word "and" to the words "connected with agriculture" before "explanations" be omitted.

I am afraid I will have to repeat some of the arguments as these amendments are repeated over and over again. The first thing which I would submit in this connection is that this definition of "debtor" occurred in part IV, as we all know. Part IV related to the question of "conciliation boards." Now this definition has been introduced in this chapter relating to *damdupat*. So far as I can see, it would have been easier if we confined ourselves to the definition now proposed by me in that chapter. So far as the chapter on *damdupat* is concerned, we stand more in need of passing this amendment. I mean that the definition of "debtor" as a "a person who owes debt or debts" should be adopted so far as this chapter is concerned, because we can only then extend the benefit of these provisions to a larger number of people. There might be persons who do not depend mainly on agriculture for their livelihood but might be still deserving of our sympathy more than anybody else. Moreover there might be questions of interpretations as was pointed out by the honourable leader of my party if we accept the Government's definition. So, if we pass this amendment it will simplify matters more than anything else and we will be free from intricate questions of interpretation, and we will also make the definition as simple as possible. This part of the Bill is the essence of the whole Bill and deals with the amount which a debtor has to pay. The important question is whether he has to pay double the amount due at the commencement of the Act or double the amount originally advanced. My point is that we should make this law as general as possible and not confine it to a "privileged class." We should not make this part of the Bill applicable to a restricted number and turn it into a "class measure." It is only to extend the advantages of this part of the Bill to as many persons as possible and to give relief to all the persons concerned, that I move this amendment.

Mr. President : Clause under consideration, amendment moved—

That in the proposed new clause 29, sub-clause (1) the words beginning with the word "and" to the words "connected with agriculture" before "explanations" be omitted.

The Honourable Mr. D. J. Boyd (Finance Member) : Sir, one obvious objection to the amendment is that if it is accepted, what will remain of the clause will be perfectly meaningless. The honourable mover has apparently overlooked the word "both." However this is only a drafting point. The other serious point is this that if we accept the honourable member's amendment, where then can be the village menials? The village menial may be a *tarkhan*, who works in wood. Can we say that he earns his livelihood mainly by agriculture? I do not know what view the courts would take of it. There may be a potter who makes pots and that employment has nothing whatever to do with the tilling of the soil.

Mr. President: If the amendment is accepted the word 'village' must go.

The Honourable Mr. D. J. Boyd : I have made a slight mistake. I thought it was sub-clause (i). Apparently the honourable member wishes to cut up both sub-clauses. All I can say is that his amendment would defeat entirely the purpose of the amendment which I have moved.

Mr. President : The question is—

That in the proposed new clause 29, sub-clause (1), the words beginning with the word "and" to the words "connected with agriculture" before "explanations" be omitted.

The Council divided : Ayes, 27 : Noes, 31.

AYES.

Abdul Ghani, Shaikh.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Akbar Ali, Pir.
Allah Dad Khan, Chaudhri.
Arjan Singh, Sardar.
Bahadur Khan, Sardar.
Bishan Singh, Sardar.
Chhotu Ram, Rao Bahadur Chaudhri.
Faqir Husain Khan, Chaudhri.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Gurbachan Singh, Sardar Sahib Sardar.
Haibat Khan Daha, Khan.
Kesar Singh, Rai Sahib Chaudhri.
Mubarak Ali Shah, Sayad.

Muhammad Amin Khan, Khan Bahadur Malik.
Muhammad Hasan, Khan Sahib Makhdum Shaikh.
Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
Muhammad Sarfraz Ali Khan, Raja.
Muhammad Yasin Khan, Chaudhri.
Muzaffar Khan, Khan Bahadur Captain Malik.
Noor Ahmad Khan, Khan Sahib Mian.
Nurullah, Mian.
Pancham Chand, Thakur.
Ram Sarup, Chaudhri.
Riasat Ali, Chaudhri.
Sampuran Singh, Sardar.
Umar Hayat, Chaudhri.

NOES.

Anderson, Mr. J. D.
Askwith, Mr. A. V.
Beant Singh, Sardar Sahib Sardar.
Bhagat Ram, Lala.
Bourne, Mr. F. C.
Boyd, The Honourable Mr. D. J.
Chetan Anand, Lala.
Fazl Ilahi, Khan Sahib Shaikh.
Ferguson, Mr. J. A.
Garbett, Mr. C. C.
Gokul Chand, Narang, The Honourable Dr.
Gopal Das, Rai Sahib Lala.
Hearn, Mr. J. W.
Janmeja Singh, Captain Sardar Bahadur Sardar.
Jogendra Singh, The Honourable Sardar Sir.
Labh Chand Mehra, Rai Sahib Lala.

Labh Singh, Mr.
Latifi, Mr. A.
Macfarlane, Mr. D.
Marsden, Mr. P.
Mayadas, Mr. Ernest.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Narendra Nath, Diwan Bahadur Raja.
Nihal Chand Aggarwal, Lala.
Pandit, Mr. Nanak Chand.
Rahim Bakhsh, Maulvi Sir.
Ramji Das, Lala.
Roberts, Mr. W.
Sanderson, Mr. R.
Sewak Ram, Rai Bahadur Lala.
Sikander Hyat-Khan, The Honourable Captain Sirdar Sir.

Mr. Labh Singh (Rawalpindi division, and Lahore division, North, non-Muhammadan, Rural): Sir, I beg to move—

That in the proposed new clause 29, the following explanation be added:—

No person shall be deemed to be earning his livelihood mainly by agriculture, if his monthly income from other sources is in excess of Rs. 30.

This amendment is perfectly self-explanatory and I designed it only as a test of the good faith of those who are supporting this measure and who want it as a measure of relief for the petty agriculturists. I put it as a test whether they want to relieve the poor agriculturists or whether they want to help themselves. If they accept this amendment that would be a clear proof to my mind that they are out to help the poor agriculturists, but if they vote it down I shall take it that they want to help themselves.

Mr. President: Clause under consideration, amendment moved—

That in the proposed new clause 29, the following explanation be added:—

No person shall be deemed to be earning his livelihood mainly by agriculture, if his monthly income from other sources is in excess of Rs. 30.

The Honourable Mr. D. J. Boyd (Finance Member): I cannot see what the use of this explanation is at all. The clause which I have already proposed says nothing at all about a person who earns his livelihood merely by agriculture. It talks of a person who mainly derives his income from agriculture which is entirely a different issue. If this explanation is carried I do not know how it affects my clause any way.

Mr. Labh Singh: I beg to submit that the word “merely” appearing in the order paper is a misprint for the word “mainly.” I want the opinion of the member in charge if the word “merely” is read as “mainly.”

The Honourable Mr. D. J. Boyd: That is an entirely different thing.

(Rao Bahadur Chaudhri Chhotu Ram rose to speak.)

Mr. Labh Singh: If this means a lengthy speech from the Leader of the Opposition, I would beg leave to withdraw my amendment.

The amendment was by leave withdrawn.

Mr. President: Gentlemen, as the result of discussion between the Leader of the Opposition and the Member in charge of the Bill two alternative amendments have been handed over to me. But I am not prepared to allow the amendments to be moved unless the majority of the honourable members present wish them to be moved. May I have the sense of the House?

Mr. Nanak Chand Pandit: They should not be permitted to move them.

Mr. Labh Singh: They should not be allowed to move.

✓ **Rao Bahadur Chaudhri Chhotu Ram:** They should be.

(An overwhelming majority of members were for the amendments being allowed.)

Mr. President: The amendments will be moved.

Mr. Labh Singh: Can the majority suspend the rules of business of the House? It is for the Chair to decide whether the amendments should be allowed without the required notice.

Mr. President : According to the rules the Chair can interfere only when the moving of an amendment is objected to on the ground of insufficient notice.

Mr. Labh Singh : We have been objecting from the very start.

Mr. President : There is no harm, in a province where communal feelings are so high, to consult honourable members on certain formal matters.

Mr. Labh Singh : That is a reason why the honourable members should not be consulted. You have seen one community has been voting one way and the minority voting the other way. It is, therefore, for you to give your ruling in accordance with the dictates of conscience, justice and the rules of the game.

Mr. President : The rule on the point is article 91 which reads—

If notice of the proposed amendment has not been given two clear days before the day on which the consideration of the clause to which the amendment is proposed is commenced, any member may object to the amendment and such objection shall prevail unless the president in the exercise of his powers to suspend this article allows the amendment to be moved.

Now the whole House with the exception of seven gentlemen wish the amendments to be moved. So, I have no alternative, but to exercise my powers under this article and to suspend it and allow the amendments to be moved.

Mr. Nanak Chand Pandit : You gave the ruling that you were not prepared to give any ruling but would leave it to the House to decide. I submit there is no power left to the House in this matter.

Mr. Labh Singh : Nor is it in the power of the Chair if it has already ruled one way, unless the Chair wants to review its own decision. You were pleased definitely to say that if left to yourself you would rule out the amendments.

Mr. President : That is the reason why I have consulted the House.

Mr. Nanak Chand Pandit : Is it laid down in the rules that the President shall take the sense of the House in this matter?

Mr. President : That was in my discretion and I have exercised it. I have sounded the House and now when I am convinced that an overwhelming majority of the honourable members present here wish these amendments to be moved and discussed I feel justified, nay bound, to exercise my power of suspension under this article and allow the amendments to be moved.

The Honourable Mr. D. J. Boyd : I move—

That before the explanations in the proposed new clause 29 the following proviso be added :—

Provided that a member of a tribe notified as agricultural under the Punjab Alienation of Land Act shall be presumed to be a debtor as defined in this section until it is proved that his income from other sources is greater than his income from agriculture.

I need hardly explain further for this is an attempt to arrive at a compromise with the National Unionist Party so that the passage of the Bill may be expedited.

Mr. President : Clause under consideration, amendment moved—

That before the explanations in the proposed new clause 29 the following proviso be added :—

Provided that a member of a tribe notified as agricultural under the Punjab Alienation of Land Act shall be presumed to be a debtor as defined in this section until it is proved that his income from other sources is greater than his income from agriculture.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I move—

That at the end of the proposed new clause 29, the following proviso be added :—

Provided that a member of a tribe notified as agricultural under the Punjab Alienation of Land Act shall be presumed to be a debtor as defined in this section until it is proved that his income from the sources specified above is less than his income from other sources.

I do not know whether the honourable member in charge of the Bill and I differ only in the language that has been used by me and by him or whether we differ in substance. What I intend to ensure by my proviso is that incomes which have been specified in parts (i), (ii) and (iii) of the explanation should not be taken into account as non-agricultural and be used as a means to exclude a man from the category of debtor. If the honourable member in charge of the Bill has the same object in view, that is, if he agrees with me that parts (i), (ii) and (iii) of the explanation were designed by Government to ensure that people who make their incomes from these sources will not be deprived of the benefit of this section, then I think there is no reason why he should not agree to my proviso being included here. So far as the wording of his proviso is concerned, I fear that the word "agriculture" will naturally be interpreted by courts in its ordinary sense and the ordinary sense of the word cannot be taken as covering income from military pay or pension, etc. I am extremely doubtful whether income made by an agriculturist by the use of his plough cattle for purposes of transport will be regarded as agricultural. The word "agriculture" has been mentioned specifically in part (2) and there it has been defined to include certain things. But the very fact that the word "agriculture" has been used in this clause and has been specifically made to include certain things will naturally be interpreted by courts as excluding incomes which are mentioned in parts (i), (ii) and (iii) of the explanation. Therefore I can urge with reason that it would be on the whole safer to adopt the proviso suggested by me than to adopt the proviso that has been suggested by the honourable member in charge of the Bill. Of course, it would be a different thing if he says that he does not want the three kinds of income stated in parts (i), (ii) and (iii) of the explanation to be regarded as agricultural. That is how I view the provisos. If we are at one so far as the substance is concerned, there should be no difficulty about words. But if the honourable member wishes that incomes from military pension or pay shall not be regarded as agricultural or that they should be counted in such a manner as to exclude an ordinary person who makes income from this source from the category of debtor, then we are at cross purposes. Therefore, I move my proviso in the hope that presumably there being no difference between us with regard to substance, the honourable member in charge will kindly agree to my proviso being adopted.

Mr. President : Clause under consideration, amendment moved—

That at the end of the proposed new clause 29 the following proviso be added :—

Provided that a member of a tribe notified as agricultural under the Punjab Alienation of Land Act shall be presumed to be a debtor as defined in this section until it is proved that his income from the sources specified above is less than his income from other sources.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) :

Would it be permissible to suggest certain alterations in the Government amendment by way of further improving it? It is just possible that the two sections of the House might come nearer thereby. My object is simply to come to an understanding and to save the time of the House and I shall make my suggestion if it is acceptable to the other side. I think there is not much difference and there appears to be some misunderstanding. If the Government proviso were to be added in the end after the explanation much of the confusion, I think, would be over. Moreover, if we add these words in the proviso so as to make it read : “ provided that a member of a tribe notified as agricultural under the Punjab Alienation of Land Act shall be presumed to be a debtor as defined in this section until it is proved that his income from sources not contemplated by this section is greater than his income from agriculture.” All that the Leader of my party wants to be sure of is that according to the amendment which is proposed and the sub-clauses (i) and (ii) of clause 29 (1) and sub-clause (2) where agricultural income is defined in a way, the exemptions made in favour of agriculturists with respect to certain incomes that they might be earning are excluded. If we do not say specifically here that all those sources which have not been contemplated or considered here will be excluded, all that has been referred to in this clause, defined or made mention of specifically in this clause, would be added to the income of the agriculturist and will be deemed to be agricultural income while coming to the conclusion whether his income from agriculture exceeds the income from other sources or *vice versa*. My submission, therefore, is that if in the Government amendment we make some changes, for instance, delete the word “ other ” before “ sources ” and add the words “ sources not contemplated by this section is greater than his income from agriculture ” we may come to an agreement. (*An honourable member* : Is this a third amendment?) Whatever it is, I do not think there is much difference between the two points of view. If the object is to exclude certain incomes—and the object is quite clear because the Government has itself sent the amendment—while totalling the income of an agriculturist apart from the income which he is deriving from land, for instance, income earned by resort to cottage industries, using plough cattle for purposes of transport and the like, where is the harm if we specifically say that all the incomes that have been enumerated, that have been specifically excluded, will be excluded when the court has to make a presumption in favour of a member of the notified agricultural tribes? That will only clear the confusion and would bring together both the points of view. I might be permitted to make the amendment I have suggested as that would solve the difficulty that is at present confronting us.

Diwan Bahadur Raja Narendra Nath : It is very difficult for us if an amendment, a further amendment and a further amendment to that further amendment are allowed to be brought without the least notice to us, to form our opinion on them.

Mr. President : The question is—

That before the explanations in the proposed new clause 29 the following proviso be added :—

Provided that a member of a tribe notified as agricultural under the Punjab Alienation of Land Act shall be presumed to be a debtor as defined in this section until it is proved that his income from other sources is greater than his income from agriculture.

The Council divided : Ayes, 32 : Noes, 31.

AYES.

Anderson, Mr. J. D.
Askwith, Mr. A. V.
Beant Singh, Sardar Sahib Sardar.
Bhagat Ram, Lala.
Bourne, Mr. F. C.
Boyd, The Honourable Mr. D. J.
Chetan Anand, Lala.
Fazl Ilahi, Khan Sahib Shaikh.
Ferguson, Mr. J. A.
Garbett, Mr. C. C.
Gokul Chand Narang, The Honourable Dr.
Gopal Das, Rai Sahib Lala.
Hearn, Mr. J. W.
Janmeja Singh, Captain Sardar Bahadur Sardar.
Jogendra Singh, The Honourable Sardar Sir.
Labh Chand Mehra, Rai Sahib Lala.

Labh Singh, Mr.
Latifi, Mr. A.
Macfarlane, Mr. D.
Marsden, Mr. P.
Mayadas, Mr. Ernest.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Narendra Nath. Diwan Bahadur Raja.
Nathwa Singh, Chaudhri.
Nihal Chand Aggarwal, Lala.
Pancham Chand, Thakur.
Pandit, Mr. Nanak Chand.
Rahim Bakhsh. Maulvi Sir.
Ramji Das, Lala.
Sanderson, Mr. R.
Sewak Ram, Rai Bahadur Lala.
Sikander Hyat-Khan, The Honourable Captain Sirdar Sir.

NOES.

Abdul Ghani, Shaikh.
Afzal Haq, Chaudhri.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Akbar Ali, Pir.
Allah Dad Khan, Chaudhri.
Arjan Singh, Sardar.
Bahadur Khan, Sardar.
Bishan Singh, Sardar.
Chhotu Ram, Rao Bahadur Chaudhri.
Faqir Husain Khan, Chaudhri.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Gurbachan Singh, Sardar Sahib Sardar.
Haibat Khan Daba, Khan.
Jawahar Singh Dhillon, Sardar.
Kesar Singh, Rai Sahib Chaudhri.
Mubarak Ali Shah, Sayad.

Muhammad Amin Khan, Khan Bahadur Malik.
Muhammad Hasan, Khan Sahib Makhdum Shaikh.
Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
Muhammad Sarfraz Ali Khan, Raja.
Muhammad Yasin Khan, Chaudhri.
Muzaffar Khan, Khan Bahadur Captain Malik.
Noor Ahmad Khan, Khan Sahib Mian.
Nurullah, Mian.
Ram Sarup, Chaudhri.
Riasat Ali, Chaudhri.
Roberts, Mr. W.
Sampuran Singh, Sardar.
Ujjal Singh, Sardar Sahib Sardar.

Umar Hayat, Chaudhri.

Mr. President : The question is—

That the new clause 29 as amended stand part of the Bill.

The motion was carried.

New Clause 30.

The Honourable Mr. D. J. Boyd (Finance Member) : I move—

That the following new clause 30 be added to the Bill—

30. (1) In any suit brought after the commencement of this Act against a debtor as defined in section 29 for the recovery of a loan borrowed before the commencement of this Act, no court shall grant a decree in satisfaction both of principal and interest for a larger sum than twice the amount which the court finds to have been due at the commencement of this Act.
- (2) In any suit brought against a debtor as defined in section 29 for the recovery of a loan borrowed after the commencement of this Act, no court shall pass a decree for a larger sum than twice the amount of the sum taken as principal.

Mr. President : New clause proposed—

30. (1) In any suit brought after the commencement of this Act against a debtor as defined in section 29 for the recovery of a loan borrowed before the commencement of this Act, no court shall grant a decree in satisfaction both of principal and interest for a larger sum than twice the amount which the court finds to have been due at the commencement of this Act.
- (2) In any suit brought against a debtor as defined in section 29 for the recovery of a loan borrowed after the commencement of this Act, no court shall pass a decree for a larger sum than twice the amount of the sum taken as principal.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadan, Rural) : Sir, I beg to move—

That in the new clause 30 (1) for the words "which the court finds to have been due at the commencement of this Act" the words "originally advanced" be substituted.

The object of this amendment is quite clear. If the clause is allowed to stand as it is the result will be that relief will be given only in respect of transactions which take place after this Bill has become law. The object of this legislation is to give relief more in respect of past indebtedness than to prevent future indebtedness or to give relief in respect of future indebtedness. After all, the chief reason which has led to this legislation is the existing heavy burden of debt, and relief is needed in respect of the indebtedness under which debtors are groaning at present. Therefore, if the clause is allowed to stand in its present form the main object of the Bill will not be fulfilled.

Again, Sir, in respect of future transactions evasion will be very easy. The sahukar will naturally say to the man who comes to borrow that the law has been tightened and that in order to evade that law he will make it a condition to write twice the sum that is actually advanced and the whole object of this legislation will be frustrated. I do not think there is anybody in this House who will not readily agree that evasion is easy and evasion will naturally be resorted to by sahukars in order to circumvent the wholesome provisions of this clause. With this object in view, that is, with the object of affording relief to those who are in debt already I have moved that the words "originally advanced" should be added in this clause, so that the relief which is needed will be given for certain. With these words I commend this amendment to the acceptance of the House.

Mr. President : New clause under consideration, amendment moved—

That in the new clause 30 (1) for the words " which the court finds to have been due at the commencement of this Act " the words " originally advanced " be substituted.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural) : The provisions relating to *damdupat* are the only provisions which have been held as the most salutary provisions in this piece of legislation. As a matter of fact, this legislation has been undertaken with a view to relieve the present indebtedness. As to the future it will take care of itself. The only anxiety on the part of Government and the public is that something substantial should be done with a view to relieve the indebted classes of their groaning debts. The Government has been anxious to see that the scope of this rule of *damdupat* is restricted to certain classes of debtors. That has been already agreed to by the House. We have already disposed of an amendment which was moved by Government though it was rather very late in coming. Now, having passed that amendment, if we now restrict the operation of this law to future transactions, then it would mean that all the time and labour we have spent on this measure will be lost. Already a good deal of time has been spent in bringing this measure before the House and this delay has caused a great deal of economic trouble to the debtors. If the amendment as proposed by the Government is allowed to stand, then no tangible good will come out of it to the debtors. It would amount to this, as they say, that the mountain was in labour and brought forth a mouse. The Government cannot go on looking with equanimity the results of this measure. It has already been computed that the debts of the province amount to 200 crores. The Government cannot allow this debt to swell to 400 crores before this measure comes into force. I know that sometimes the position of Government is difficult. It is also enviable in certain respects. The constitution of the Council being what it is, the Government is always able to command a majority of votes in this House and thus carry on things as it likes. But it has also got a responsibility. There is a couplet—

مہرِ ہوا کانرِ تیر و کانرِ مسلمان ہر کجا

That is exactly what we have been doing in this House. It is, therefore, all the more the responsibility of Government to consider the amendment in a detached and dispassionate manner and see what the result of the amendment as moved by Government would be. With these words I support the amendment moved by the Leader of the Unionist Party.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) : I do not think this amendment moved by the Leader of my party requires much elucidation I may call it the soul of the whole of this measure. If this amendment is rejected and the Government's amendment is accepted, much of the time and labour of this House must be considered as wasted. If we are not going to relieve the present indebtedness but only think of the future, then this piece of legislation is absolutely useless. At present borrowing and lending are at a stand-still and, therefore, if we are taking all these pains to see that the debtors are not burdened in the future, then we are not doing a wise thing. This is considered to be an emergency measure and it is all the more necessary, therefore, that it should be made effective even now. The retention of these words at the end of this measure excludes

[Shaikh Abdul Ghani.]

all transactions previous to the coming into force of this measure. As has been remarked by the honourable member who has just sat down, it would be simply waste of time and money and energy if the amendment of the Leader of my party is rejected or is not fully considered on merits by the official benches. It has been truly remarked that the Government are the masters of the situation and that they are so happily placed that they can very well reject any reasonable amendment proposed by us. I submit that by throwing this amendment the House will be defeating the object of the whole Bill.

Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): The rule of *damdapat* as has been known from ancient times, means double the original sum and not the sum acknowledged. (An honourable member: That is wrong). The reason why I support the amendment is that by this time the interest must have swelled to such an extent that it is practically impossible for a debtor to pay off his debts if this clause is allowed to stand as it is. I am afraid that the mischief is already done, that the disease has already sufficiently developed, and I may say, to use the same metaphor, that it has already eaten up the vital parts of the body. Therefore, unless we amend the rule in the light proposed by the honourable Leader of my party, there will be no relief to anybody. In this belief of mine I am supported by various officials who have given their opinions on this aspect of the question. The first official to whom I shall refer is the Deputy Commissioner of Montgomery. He says—

Section 29 (1) means that the rule of *damdapat* would apply to loans contracted after the commencement of the Bill. So far as the loans contracted before this Act are concerned, the *damdapat* will not apply to the principal, but would apply to the amount due at the commencement of the Act. For instance, if a person has borrowed Rs. 1,000 before the commencement of this Act and owes another sum of Rs. 500 as interest on this amount up to the date on which this Act comes into force, will he be liable to pay up Rs. 3,000 which is double of Rs. 1,500 i.e., the amount due at the commencement of the Act or will he be liable to pay Rs. 2,000 which is twice the amount originally borrowed by him? If it is the former the rule of *damdapat* will give no immediate relief to the zamindars. If it is the latter the point deserves some clarification.

The next opinion to which I refer is of no less a person than Mr. S. A. Rahman, Senior Sub-Judge, Sheikhpura, who is now a sessions judge. He says—

- The latter part of section 29 (1) is not very clear. "Twice the amount which the court finds to have been due at the commencement of this Act" would in most cases cover all claims of the creditors which might include an undue proportion of interest by striking new balances. I hope this will be looked into, before the Bill is finally passed.

The third opinion to which I shall refer is that of Nawabzada Fateh Ullah Khan, Sub-Divisional Officer, Rupar. He says—

The rule of *damdapat* should apply to all cases whether the debt was borrowed before or after the commencement of this Act.

All these opinions which I have quoted go a long way to prove that unless the amendment moved by my honourable friend, Rao Bahadur Chaudhri Chhotu Ram is adopted, there will be absolutely no relief to the debtor, because as figures show the debts have swelled to such an extent that unless we cut down this amount, unless we apply the provisions of this part of the Bill to old debts, I am afraid nothing will be gained by the passing of this measure. So far as the question of future loans is concerned, I think we

have been given sufficient warning, sufficient notice, sufficient threats by the gentlemen sitting opposite. They have said that the credit of the zamindar has extinguished totally and that it will be impossible for any *sahukar* now to advance loans to him. We are, therefore, now in a position to know that no loans will be advanced by the money-lending classes so far as the future is concerned. If this clause stands as part of the Bill as amended by the Honourable Member in charge of the Bill, I think we may as well not have this relief.

I would also like to remark in this connection that the zamindar if he wants to raise any loans in future will have to try 'fresh fields and pastures new,' if I may use that expression here. The doors of *sahukars* are already closed and we will, therefore, have to knock at the doors of others if we wish to raise fresh loans. Those doors may be in the shape of commercial banks or co-operative banks or any other banks registered under the Companies Act. So far as these banks are concerned, we know that the provisions of this Bill are not extended to them. So, where is the necessity of this clause as proposed by the Government? If we want to gain anything by this rule of *damdapat* it is essential that we should accept the amendment moved by the Leader of the Unionist Party. With these words I support his amendment.

Chaudhri Allah Dad Khan (Ambala Division, North-East, Muhammadan, Rural): I rise to support the amendment moved by my friend from Rohtak. The effect of this amendment will be clear if you consider that case which was recently decided by the High Court, in which the principal of Rs. 500 was decreed to the extent of Rs. 1,96,000

4 P. M.

by the High Court. This may not be so in many cases but that is an indication of the amount that will be due at the commencement of this Act. For that reason it is very reasonable that we should limit the amount to a reasonable sum and I think twice the amount is a reasonable sum as suggested in this amendment. If you look at the facts of the case you will find that in many cases the rates are so exorbitant that no one will hope that all the principal and interest accumulated could ever be paid unless it is limited to half the principal. From my own experience I can say that the rate is sometimes as high as 75 per cent., and that in face of the security offered. Will you allow such accumulations made before this Act comes into force to stand as just and equitable? I do not think any one will. Again, when you make this provision that in future any sum will not be allowed to double itself, why should you not apply it to past debts? We want to give relief to the zamindars in relation to debts hanging heavily on them. Why should we not adopt this provision to lighten their burden? I have an example from our part of the country. In the Bhavanagar State they have paid it at four annas in the rupee and we are giving much more than that. We are giving double the amount that was originally advanced. When the *sahukar* is satisfied in that State to receive four annas in the rupee on the amount that he advanced why should not this House be willing to say that our *sahukars* might receive double the amount that they advanced? If you do this, many people will make up their minds and will strain every nerve to pay off the old debts and this will be very useful to my friends on the opposite side. They have always been saying that there should be some provision for paying the amount. Now this provision will facilitate

[Ch. Allah Dad Khan.]

the payment. Besides, if you do not accept this amendment no effort will be made by the zamindar to pay off his debts and the burden of debt will remain as it is, and I think the intention of this Act will not be fulfilled. My honourable friend from Hoshiarpur has already appealed to the Government and I need not waste time on that score. This is a measure which will certainly go a long way to relieve the distress of the zamindars and I think all the members should show their willingness to relieve the heavy burden of debt on the shoulders of the zamindar.

The Honourable Mr. D. J. Boyd (Finance Member): Sir, I must make it quite clear that Government attach great importance to sub-clause (1) of clause 30 as I have moved it. The matter has been carefully considered by Government on more than one occasion and they have decided on full consideration to adhere to the clause as it stands. The matter is very important. As for our reasons, I think if members will cast their eyes over the earlier parts of this Bill, they will find that ample provision has been made for the relief of past debts. If a zamindar, if an agriculturist debtor, cannot pay his past debts, provided they are not too big and he himself is not too big a man, he can now or will when this Bill becomes law, be able to resort to the insolvency courts and get some real relief. We are also providing that certain rates of interest shall be deemed excessive and compelling courts to re-open the transactions in cases in which excessive interest has been charged. It is quite clear, therefore, that we have provided two very effective means for the relief of past indebtedness. In conciliation boards there is a third means of relieving past debt and I think that members have forgotten in their anxiety to relieve existing debts, that during the boom years, the debtor could in most cases pay his interest and probably a bit towards his principal also. He had the chance; he had the real opportunity of keeping his debt within bounds. If he was improvident and preferred to spend the money on luxuries at the time when he had money, does he really deserve this further relief involved in *damdupat*? If we accept the amendment moved by the Leader of the Unionist Party, the result will be definite confiscation of existing claims, all claims that have already accrued. Confiscation should most certainly be avoided except as an absolutely last resort and when we have already provided three effective remedies for existing debt, surely we should confine the rest of the Bill to the future and not resort to confiscation. As I have said, the Government have carefully considered amendments of this description and have decided very definitely that they cannot accept an amendment of this kind.

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan, Rural): One should be thankful even for small mercies and I am extremely grateful to the speech that has been made by the Honourable the Finance Member who is in charge of the Bill. Even Government must stop somewhere although we were losing heart and really coming to the belief that the Government was not likely to do so. On the other side we notice that concessions as they are being made from hour to hour and from day to day, were only aggravating the appetite as the old proverb goes. I have listened with the utmost attention to the speeches that have been made by the representatives of the zamindars on the Unionist benches in support of the amendment which has been moved by their Leader. The

only thing that comes to my mind is in terms of that old philosophy of India which is known as the doctrines of the Vedanta. There is such a thing which is known as a half-way house to Vedanta. A person who is a perfect Vedantist loses all distinction between self and non-self. That is supposed to be the highest pitch of achievement which a person can reach, namely, losing all distinction of self and non-self. But people who travel on this road have sometimes to put up in what one might call a half-way house. The position of our friends on the Unionist benches is one of a traveller along the road to Vedanta who is occupying that half-way house. A person who is at that stage of the journey achieves half the battle. He has attained half the accomplishment. He feels that all that is somebody else's is his and what he himself possessed is already his. I hope I have made my meaning sufficiently clear. He has attained to Vedanta only in this respect that he sees all things as one, my possessions and his possession are all one to him. His being already his, mine also he looks upon as his and therefore he is only what we might call a semi-Vedantist or half Vedantist. This is exactly the mentality with which these gentlemen are moving these amendments. They do not look upon any relief as relief unless it gives them the fullest measure and the fullest power to wipe off existing debts. They would call that relief only a relief if it goes so far. They say that this amendment moved by them constitutes the soul of the Bill and if this amendment is rejected, the soul will be lost. This is what we have been told. To them it is self-evident and they possibly cannot see how we on these benches can get up and oppose this amendment. They want this measure to be a measure of spoliation through and through. We have by our effort tried to explain to them that this is not a proper way of dealing with the matter and we do not propose any more either to take up our time or the time of the House in making useless protest and I am really gratified that the Honourable Finance Member who is in charge of the Bill has told us that the Government have given their anxious consideration to the form of this clause and this is their final word on the subject. We were told by one of the speakers that so far as the sahukar was concerned, he is going to make no more advances to the agriculturist and that the agriculturists will have to look up to either the banks or other agencies for getting his loans. That is a reason why you should leave the money-lenders with a good feeling. Why should you part with them with a kick if you are going to deal only with banks in future? As you think so, it is doubly important that you should leave your former friends as if they were your friends and you should pay them whatever you owe them in an honest manner. I need not repeat the arguments which have been so often repeated in this House that the effect of this measure when passed would be to restrict rural credit and would certainly in the opinion of competent persons produce results which perhaps neither the members of the Unionist party nor the Government are fully contemplating. It will restrict credit to an extent that would hamper all agricultural operations and the Government would be finding it extremely difficult, if this measure is enforced in the way in which we are about to pass it, to make realisations of their land revenue.

Mr. President : The honourable member is not speaking to the motion before the House.

Mr. Labh Singh: I will restrict myself exclusively and literally to the amendment before us. My first objection to it is that this section as well as the amendment traduces the word *damdupat* and the principles underlying it. This principle of *damdupat* is a well known and ancient doctrine which is fully known to all lawyers and to call the principle embodied in this section 29 now renamed section 30 as *damdupat* would be a misnomer. It is really not the doctrine of *damdupat*.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Not Manu's doctrine of *damdupat*.

Mr. Labh Singh: No, not even as it prevails in Bombay and elsewhere. Even there it is hedged round by certain limitations and qualifications and I believe this principle as it is embodied in this section 30 as *damdupat* is essentially erroneous. My other objection is that even if it is carried it would go a long way in demoralizing both the creditors and the borrowers. People are bound to borrow and people are bound to lend and it is only within very narrow limits that we can interfere with the economic laws. It is the conditions, social conditions and economic conditions of the people which would govern the rates of interest and which would govern the other conditions of transactions between them. We will be only asking them to have recourse to certain subterfuges and evasions in order to comply with the letter of the law. How far this is fair and how far this is a correct position to take up I am unable to say, but I am certain that it would lead to an all round demoralization which every Government and every serious-minded person should do all that he can to prevent. With these words I beg to oppose the amendment that has been moved.

Mr. J. D. Anderson (Legal Remembrancer): I beg to move that the question be now put.

Mr. President : Question is—

That in the new clause 30 (1) for the words " which the court finds to have been due at the commencement of this Act" the words " originally advanced " be substituted.

The Council divided : Ayes, 33 : Noes, 33.

AYES.

Abdul Ghani, Shaikh.
Afzal Haq, Chaudhri.
Ahmad Yar Khan Daulatana, Khan Bahadur, Mian.
Akbar Ali, Pir.
Allah Dad Khan, Chaudhri.
Arjan Singh, Sardar.
Bahadur Khan, Sardar.
Bishan Singh, Sardar.
Chhotu Ram, Rao Bahadur Chaudhri.
Faqir Husain Khan, Chaudhri.
Fazl Ali, Khan Bahadur, Nawab Chaudhri.
Gurbachan Singh, Sardar Sahib Sardar.

Haibat Khan Daba, Khan.
Jawahar Singh Dhillon, Sardar.
Mohindar Singh, Sardar.
Mubarak Ali Shah, Sayad.
Muhammad Amin Khan, Khan Bahadur Malik.
Muhammad Eusoof, Khwaja.
Muhammad Hasan, Khan Sahib Makhdum Shaikh.
Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
Muhammad Sadiq, Shaikh.
Muhammad Sarfraz Ali Khan Raja.

Muhammad Yasin Khan, Chaudhri.	Nurullah, Mian.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Pancham Chand, Thakur.
Muzaffar Khan, Khan Bahadur Captain Malik.	Ram Sarup, Chaudhri.
Noor Ahmad Khan, Khan Sahib Mian.	Riasat Ali, Chaudhri.
	Sampuran Singh, Sardar.
	Umar Hayat, Chaudhri.

NOES.

Anderson, Mr. J. D.	Labh Singh, Mr.
Askwith, Mr. A. V.	Latifi, Mr. A.
Beant Singh, Sardar Sahib Sardar.	Lekhwati Jain, Shrimati.
Bhagat Ram, Lala.	Macfarlane, Mr. D.
Bourne, Mr. F. C.	Manohar Lal, Mr.
Boyd, The Honourable Mr. D. J.	Marsden, Mr. P.
Chetan Anand, Lala.	Mayadas, Mr. Ernest.
Fazl Ilahi, Khan Sahib Shaikh.	Mukand Lal Puri, Mr.
Ferguson, Mr. J. A.	Narendra Nath, Diwan Bahadur Raja.
Garbett, Mr. C. C.	Nihal Chand Aggarwal, Lala.
Gokul Chand Narang, The Honourable Dr.	Pandit, Mr. Nanak Chand.
Gopal Das, Rai Sahib Lala.	Rahim Bakhsh, Maulvi Sir.
Hearn, Mr. J. W.	Ramji Das, Lala.
Janmeja Singh, Captain Sardar Bahadur Sardar.	Roberts, Mr. W.
Jogendra Singh, The Honourable Sardar Sir.	Sanderson, Mr. R.
Labh Chand Mehra, Rai Sahib Lala.	Sewak Ram, Rai Bahadur Lala.
	Sikander Hyat-Khan, The Honourable Captain Sirdar Sir.

Mr. President : Gentlemen, the number of Ayes and Noes is equal. I have to give my casting vote. I find that this clause, at least this part of the clause, was left untouched and unaltered by the select committee. So, in view of the fact that the select committee has recommended the clause, also in view of the fact that the Council had accepted the principle of the clause when the Bill was referred to the select committee and also in view of the fact that it is my duty to continue the *status quo*, so far as I can, I give my vote against the amendment.

The motion was lost.

Mian Nurullah (Lyallpur South, Muhammudan, Rural) : I beg to move—

That in the new clause 30 the following be added as a proviso at the end:—

Provided that where the court is satisfied that any fictitious sum was added to the sum actually advanced in order to circumvent the provisions of this Act the entire sum shall be disallowed.

This is a very important clause and would give some relief to the debtors when accepted. The law of *damdupat*, as it stands, is very important and as the principle has been accepted it will be incorporated in the Act soon. Without this proviso the present clause is very defective. We find that for years past this artifice of adding fictitious sums has been resorted to by the creditors. The debtor is an ignorant person; he is illiterate and does not

[Mian Nurullah.]

know sometimes what he is doing. Very often he is in such need that he is prepared to do anything which the creditor wants. He is prepared to bow down before the creditor in any way; he says to the creditor, "give me a hundred rupees, you may put the amount at any figure you like; or here is my signature and I shall put it on any blank paper leaving it to you to fill up the amount later." If in this Bill we had provided for registration of all debts or licensed the money-lenders, probably this proviso would not have been necessary. But now, as it is, the creditor has the upper hand and being a shrewd businessman and sometimes dishonest he takes advantage of the position of the ignorant zamindar or the illiterate debtor and makes him sign a document which is not a real thing. The creditor does not actually advance Rs. 50 but he puts down Rs. 50 in the document; he does not give Rs. 1,000 but he makes the debtor sign a deed for that amount and because the debtor is in need he takes only Rs. 800 and signs for a thousand. Since we have reduced the rates of interest this is going to be resorted to more often than before. The critics of this Bill say, "what does it matter if it becomes an Act? We will do this, we will do that." And the very commonplace thing that is suggested is this: How can anybody stop us putting down a much higher figure than is really advanced? Therefore the need for a proviso like this is real. We have made so many laws before but they all remain as dead letters. If a proviso like this is incorporated into the Bill it will have a very salutary and wholesome effect. With these words, I move my amendment.

Mr. President : Clause under consideration, amendment moved—

That in the new clause 30 the following be added as a proviso at the end :—

Provided that where the court is satisfied that any fictitious sum was added to the sum actually advanced in order to circumvent the provisions of this Act the entire sum shall be disallowed.

The Honourable Mr. D. J. Boyd (Finance Member) : I must oppose this amendment on the ground that already the addition of a fictitious sum to any bond or other document is cheating and that is punishable by the criminal law. To add to the penalties already provided is distinctly undesirable and I think this proviso is unnecessary and I therefore oppose it.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural) : I rise to support the amendment. Where we had rates of interest like 70, 50, 25 and 19 per cent. we have reduced them to a low figure. If the rate were only 10½ per cent., it will be an inducement to resort to such tricks against which this proviso is intended to safeguard. When a man finds that he will be able to realise only 10 per cent. per annum, he will make a condition in the very beginning that the debtor will put down a sum equal to that which the creditor would have obtained if the interest had been 25 per cent., which percentage is the lowest rate prevalent in the villages. How will a sahuakar accustomed to this way of making money be satisfied with a rate of ten per cent. which works out according to the rate which we have accepted, if the Bill comes into an Act? Therefore, a salutary provision like the one contained in this amendment should be made in order that dishonest means should not be resorted to. If a more lenient provision is made the creditor will still have the temptation of making this demand in

the beginning. The provision is thus very salutary and should be supported.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadian, Rural): I support the amendment whole-heartedly. I was very considerably surprised to see that the Honourable Member in charge of the Bill has seen fit to oppose this amendment. After all, what does this amendment come to? The object is that if the court is satisfied that a money-lender has deliberately and wilfully entered in his account book or bond a larger sum than was actually advanced then, the court will dismiss the whole of his claim. Is there any injustice about it? If a man proceeds wilfully to enter a larger amount than he has really advanced, if he is guilty of an obviously and undeniably dishonest act, why should there be any mercy for that man in the mind of anybody? Everybody knows that after the enactment of this law money-lenders will be tempted to enter larger sums than they have actually advanced in order to frustrate the object of this Bill. Therefore it is only right that they should forfeit the whole of their claim if they do so. There is nothing novel about it. There is already an analogy in practice recognised by courts. That is, when a money-lender makes a material alteration in a document he forfeits the whole of his claim. If a material alteration is proved to have been made by a money-lender in his account books, either by way of changing the amount that was advanced or of changing the date on which the amount was advanced or of changing the rate of interest that was originally entered, the rulings of the various High Courts are that that money-lender should lose the whole of his claim. Is this amendment asking for anything more than that? Is this amendment intended to get more than is already allowed by the highest courts of the country? Under the circumstances I think the opposition of the Honourable Member in charge of the Bill is not fair, and I hope that he will change his mind and give up his opposition.

Mr. J. D. Anderson (Legal Remembrancer): May I point out to the House that there is in reality no analogy of any kind between the money-lender who makes a dishonest alteration in his books and the money-lender who only with the connivance, with the encouragement of the debtor, makes a false entry to begin with. I need hardly point out in this House the ancient and well-established principle of law that when parties are *in pari delicto*, in the same fault, they should be treated in the same way. I oppose this amendment.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadian, Rural): I oppose this amendment. I have full sympathy with the object of this amendment but unfortunately the object cannot be achieved in the way in which it is proposed to be achieved. When agriculturists purchase land we generally find that fictitious sums are entered in sale deeds. This law would lead—it is natural that it should lead—to a similar sort of penalty being imposed on the agriculturists who are daily buying and selling land and entering fictitious sums in the sale deeds. It would be a very dangerous thing and for the sake of the agriculturists this amendment should not be pressed by Mian Nurullah. Then, again, as has been pointed out by the speaker who has preceded me, if any fictitious sum is entered it is really entered with the mutual consent of both the parties. How are you going

[Mr. Nanak Chand Pandit.]

to punish one and not the other? There is a third point. The civil courts do not have any criminal jurisdiction. Here you will be investing the civil courts with power to inflict penalties which it is the function of the criminal courts to do. The obvious remedy for a dishonest act committed in this manner is to go to a criminal court and get redress in the courts which are meant for the purpose. But it would be unfair and unjust to punish the creditor for the faults of himself and the other man, the debtor.

There is besides another reason why this amendment should not be accepted. Chaudhri Sahib said that when there is an obvious and undeniable act of this kind, it should be punished. We know as a matter of fact that courts sometimes give wrong and hasty judgments and it would not be proper to deal with courts of that kind and therefore on these grounds I oppose this amendment.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General): Sir, I think enough has been said by the honourable Legal Remembrancer and the honourable member for Hoshiarpur against the amendment. It only remains for me to point out that if I remember aright, section 476 of the Criminal Procedure Code already exists on the statute book and it empowers the court to prosecute under proper section any person if the court believes that a *prima facie* case against him showing that an offence has been committed exists. If these sections of the Indian Penal Code are not sufficient to prevent a man from committing offence I do not see what will be gained by adding this proviso to the clause. As has been pointed out these fictitious sums in documents are very often entered in complicity with the other party. Why should the creditor alone be prosecuted and why should he alone be penalised and the debtor not be touched? "Fictitious sums" appears to me to be a phrase which does not admit of proper legal interpretation. "Fictitious sum" probably also means and it includes a sum in excess of the amount advanced. Such sums are often written in account books in complicity with the debtor and I do not see why the creditor alone should suffer. With these words I oppose this amendment.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban): It remains for me to point out that there is practically no change between the parties who are both in the wrong in this case, because here the court has deliberately to satisfy itself by a proof but if we have to resort to criminal courts the debtor just to save his skin would be concealing the fact and would not come out with the whole truth. The result would be that the court will be left to formulate its own opinions and to collect evidence and sift it as best as it can. After it has come to a certain conclusion, after it has decided that there has been a collusion in this case, the court would be helpless if both parties charge each other under section 476. The courts would proceed against both the parties and if they are satisfied that there was a collusion and there was a conspiracy entered into, the result will be that there will be no proof forthcoming and no court will take the trouble of sifting the evidence or unearthing the truth in a case of this nature. The result would be that there would be possibly no check, there would possibly be no restraint on the doings of the creditor and the debtor who is just an instrument in the hands of the creditor at the time he contracts a debt.

Moreover this is a measure in which a certain section of His Majesty's subject is sought to be protected. If you are rendering assistance to a debtor in this particular way, why should you hesitate to defend him further so that he may not be burdened with unnecessary and fictitious amount and his debt may not be swelled in this way? He requires special protection by the peculiar circumstances under which he is placed at the time he contract the debt. He is not a free agent of himself and in these circumstances it is the duty of the State to protect him. Unless there is some such safeguard in this Bill there will be no check upon the doings of clever money-lenders. I admit that this provision is very drastic but after all it can be improved. If the official benches could be made to prescribe some sort of penalty so that creditors in future may find it deterrent for themselves if the creditors know that by entering false figures in their accounts or bonds they stand to lose something, it would be a good thing. On the whole the suggestion is very salutary and I commend it to the Honourable Member for Finance and the Legal Remembrancer to make some sort of provision in the Bill if they are not agreeable to the very drastic change that is proposed on our side.

Mr. President : The question is—

That the following proviso be added at the end of the new clause 30—

Provided that where the court is satisfied that any fictitious sum was added to the sum actually advanced in order to circumvent the provisions of this Act the entire sum shall be disallowed.

The Council divided : Ayes, 84 ; Noes, 32.

AYES.

Abdul Ghani, Shaikh.
Afzal Haq, Chaudhri.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Akbar Ali, Pir.
Allah Dad Khan, Chaudhri.
Arjan Singh, Sardar.
Bahadur Khan, Sardar.
Bishan Singh, Sardar.
Buta Singh, Sardar Bahadur Sardar.
Chhotu Ram, Rao Bahadur Chaudhri.
Faqir Husain Khan, Chaudhri.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Gurbachan Singh, Sardar Sahib Sardar.
Haibat Khan Daha, Khan.
Jawahar Singh Dhillon, Sardar.
Mubarak Ali Shah, Sayad.
Muhammad Amin Khan, Khan Bahadur Malik.
Muhammad Eusoo, Khwaja.

Muhammad Hasan, Khan Sahib
Makhdum Shaikh.
Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Muhammad Jamal Khan Leghari, Khan Bahadur, Nawab.
Muhammad Raza Shah Gilani, Makhdumzada Sayad.
Muhammad Sadiq, Shaikh.
Muhammad Sarfraz Ali Khan, Raja.
Muhammad Yasin Khan, Chaudhri.
Muzaffar Khan, Khan Bahadur Captain Malik.
Noor Ahmad Khan, Khan Sahib Mian.
Nurullah, Mian.
Pancham Chand, Thakur.
Ram Sarup, Chaudhri.
Riasat Ali, Chaudhri.
Roberts, Mr. W.
Sampuran Singh, Sardar.
Umar Hayat, Chaudhri.

NOES.

Anderson, Mr. J. D.	Labh Singh, Mr.
Askwith, Mr. A. V.	Latifi, Mr. A.
Beant Singh, Sardar Sahib Sardar.	Lekhwati Jain, Shrimati.
Bhagat Ram, Lala.	Macfarlane, Mr. D.
Bourne, Mr. F. C.	Manohar Lal, Mr.
Boyd, The Honourable Mr. D. J.	Marsden, Mr. P.
Chetan Anand, Lala.	Mayadas, Mr. Ernest.
Fazl Ilahi, Khan Sahib Shaikh.	Mukand Lal Puri, Mr.
Ferguson, Mr. J. A.	Narendra Nath, Diwan Bahadur Raja.
Garbett, Mr. C. C.	Nihal Chand Aggarwal, Lala.
Gokul Chand Narang, The Honourable Dr.	Pandit, Mr. Nanak Chand.
Gopal Das, Rai Sahib Lala.	Rahim Bakhsh, Maulvi Sir.
Hearn, Mr. J. W.	Ramji Das, Lala.
Janmeja Singh, Captain Sardar Bahadur, Sardar.	Sanderson, Mr. R.
Jogendra Singh, The Honourable Sardar Sir.	Sewak Ram, Rai Bahadur Lala.
Labh Chand Mehra, Rai Sahib Lala.	Sikander Hyat-Khan, The Honourable Captain Sirdar Sir.

Mr. President : The question is—

That the new clause 30 as amended stand part of the Bill.

The motion was carried.

Clauses 31 and 32.

Mr. President : The question is—

That clauses 31 and 32 stand part of the Bill.

The motion was carried.

Clause 33.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadian, Rural) : I move—

That in clause 33 the proviso together with the explanation be omitted.

My object in moving this amendment is that immunity from arrest provided for under clause 33 should be made unqualified.

5 P.M.

My attention was drawn to the consequences which may follow from the presence of these four qualifications to immunity from arrest. I was told that if these qualifications were allowed to stand the result would be that the benefit of immunity from arrest will be practically gone. Therefore I have moved the omission of this proviso so that immunity from arrest in execution of decrees should remain unqualified. The object in view is commendable and I commend the amendment to the favourable consideration of the House.

Mr. President : Clause under consideration, amendment moved—

That in clause 33 the proviso together with the explanation be omitted.

The Honourable Mr. D. J. Boyd (Finance Member) : I am not quite sure whether this is the proper time or not for me to repeat what I said at the commencement of this session, namely, that the Government of India have intimated that they themselves intend to introduce legislation in the next session of the Legislative Assembly to deal with this same question of imprisonment for debt. In the circumstances they do not wish the provincial legislature to do anything in the matter for the present. For this reason the Government are bound to oppose the inclusion of clause 33 in the Bill. For the same reason I presume we must vote against the amendment also.

Mr. President : The question is—

That in clause 33 the proviso together with the explanation be omitted.

The Honourable Mr. D. J. Boyd : Before you take the sense of the House I submit that I think I was wrong in saying that I opposed this amendment. Obviously if we oppose the amendment we would be committed to this portion of the clause standing. As a matter of fact we wish the whole clause to be deleted. Rather the correct and logical action is to vote with the amendment.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It will be more convenient if the whole clause is put first, and if the motion for omission is lost, then the amendment can be put.

Mr. President : I am afraid I cannot do that as amendments to a clause must be disposed of first.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : If we now vote for the omission of this proviso and explanation and later on the motion for omission of the clause is lost, then our position will be anomalous. Therefore the House should be given discretion to vote on the clause as a whole first.

Mr. President : I quite see the point of view of the Honourable Leader of the House and personally I shall be glad to follow the procedure suggested by him. But when a clause is taken up, if no amendments to it are tabled or moved, the clause, as it is, is before the House and it may be deleted or retained as the House may decide. But, if some members are willing to adopt the clause with certain modifications and have given notice of their amendments, they cannot be deprived of their right to move those amendments. No doubt the course suggested by the Honourable Leader of the House is the shortest cut. But members who wish to move amendments to the clause cannot be deprived of their right.

The question is—

That in clause 33 the proviso with the explanation be omitted.

The motion was carried.

Mr. President : The question is—

That the first part of clause 33 stand part of the Bill.

The Council divided : Ayes, 36, Noes, 33.

AYES.

Abdul Ghani, Shaikh.
 Afzal Haq, Chaudhri.
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Akbar Ali, Pir.
 Allah Dad Khan, Chaudhri.
 Arjan Singh, Sardar.
 Bahadur Khan, Sardar.
 Bishan Singh, Sardar.
 Buta Singh, Sardar Bahadur Sardar.
 Chhotu Ram, Rao Bahadur Chaudhri.
 Faqir Husain Khan, Chaudhri.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Gurbachan Singh, Sardar Sahib Sardar.
 Haibat Khan Daha, Khan.
 Jawahar Singh Dhillon, Sardar.
 Mubarak Ali Shah, Sayad.
 Muhammad Amin Khan, Khan Bahadur Malik.
 Muhammad Eusoof, Khwaja.
 Muhammad Hasan, Khan Sahib Makhdum Shaikh.

Muhammad Hayat Qureshi, Khan Bahadur Nawab.
 Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
 Muhammad Raza Shah Gilani, Makhdumzada Sayad.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Ali Khan, Raja.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Nathwa Singh, Chaudhri.
 Noor Ahmad Khan, Khan Sahib Mian.
 Nurullah, Mian.
 Pancham Chand, Thakur.
 Ram Sarup, Chaudhri.
 Riasat Ali, Chaudhri.
 Sampuran Singh, Sardar.
 Ujjal Singh, Sardar Sahib Sardar.
 Umar Hayat, Chaudhri.

NOES.

Anderson, Mr. J. D.
 Askwith, Mr. A. V.
 Beant Singh, Sardar Sahib Sardar.
 Bhagat Ram, Lala.
 Bourne, Mr. F. C.
 Boyd, The Honourable Mr. D. J.
 Chetan Anand, Lala.
 Fazl Ilahi, Khan Sahib Shaikh.
 Ferguson, Mr. J. A.
 Garbett, Mr. C. C.
 Gokul Chand Narang, The Honourable Dr.
 Gopal Das, Rai Sahib Lala.
 Hearn, Mr. J. W.
 Janmeja Singh, Captain Sardar Bahadur Sardar.
 Jogendra Singh, The Honourable Sardar Sir.
 Labh Chand Mehra, Rai Sahib Lala.

Labh Singh, Mr.
 Latifi, Mr. A.
 Lekhwati Jain, Shrimati.
 Macfarlane, Mr. D.
 Manohar Lal, Mr.
 Marsden, Mr. P.
 Mayadas, Mr. Ernest.
 Mukand Lal Puri, Mr.
 Narendra Nath, Diwan Bahadur Raja.
 Nihal Chand Aggarwal, Lala.
 Pandit, Mr. Nanak Chand.
 Rahim Bakhsh, Maulvi Sir.
 Ramji Das, Lala.
 Roberts, Mr. W.
 Sanderson, Mr. R.
 Sewak Ram, Rai Bahadur Lala.
 Sikander Hyat-Khan, The Honourable Captain Sirdar Sir.

Clause 34.

Mr. President : The question is—

That clause 34 stand part of the Bill.

The Council divided : Ayes, 35 : Noes, 34.

AYES.

Abdul Ghani, Shaikh.
Afzal Haq, Chaudhri.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Akbar Ali, Pir,
Allah Dad Khan, Chaudhri.
Arjan Singh, Sardar.
Bahadur Khan, Sardar.
Bishan Singh, Sardar.
Buta Singh, Sardar Bahadur Sardar.
Chhotu Ram, Rao Bahadur Chaudhri.
Faqir Husain Khan, Chaudhri.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Gurbachan Singh, Sardar Sahib Sardar.
Haibat Khan Daba, Khan.
Jawahar Singh Dhillon, Sardar.
Mubarak Ali Shah, Sayad.
Muhammad Amin Khan, Khan Bahadur Malik.
Muhammad Euseof, Khwaja.

Muhammad Hasan, Khan Sahib Makhdum Sahikh.
Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
Muhammad Raza Shah Gilani, Makhdumzada Sayad
Muhammad Sadiq, Shaikh.
Muhammad Sarfraz Ali Khan, Raja.
Muhammad Yasin Khan, Chaudhri.
Muzaffar Khan, Khan Bahadur Captain Malik.
Nathwa Singh, Chaudhri.
Noor Ahmad Khan, Khan Sahib Mian.
Nurullah, Mian.
Pancham Chand, Thakur.
Ram Sarup, Chaudhri.
Riasat Ali, Chaudhri.
Sampuran Singh, Sardar.
Ujjal Singh, Sardar Sahib Sardar.
Umar Hayat, Chaudhri.

NOES.

Anderson, Mr. J. D.
Askwith, Mr. A. V.
Beant Singh, Sardar Sahib Sardar Bhagat Ram, Lala.
Bourne, Mr. F. C.
Boyd, The Honourable Mr. D. J.
Chetan Anand, Lala.
Fazl Ilahi, Khan Sahib Shaikh.
Ferguson, Mr. J. A.
Garbett, Mr. C. C.
Gokul Chand Narang, The Honourable Dr.
Gopal Das, Rai Sahib Lala.
Hearn, Mr. J. W.
Janmeja Singh, Captain Sardar Bahadur Sardar.
Jogendra Singh, The Honourable Sardar Sir.
Labh Chand Mehra, Rai Sahib Lala.
Labh Singh, Mr.

Latifi, Mr. A.
Lekhwati Jain, Shrimati.
Macfarlane, Mr. D.
Manohar Lal, Mr.
Marsden, Mr. P.
Mayadas, Mr. Ernest.
Mukand Lal Puri, Mr.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Narendra Nath, Diwan Bahadur Raja.
Nihal Chand Aggarwal, Lala.
Pandit, Mr. Nanak Chand.
Rahim Bakhsh, Maulvi Sir.
Ramji Das, Lala.
Roberts, Mr. W.
Sanderson, Mr. R.
Sewak Ram, Rai Bahadur Lala.
Sikander Hyat-Khan, The Honourable Captain Sirdar Sir.

Clause 35.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadian, Rural) (Urdu): Sir, I beg to move—

That in clause 35 for the words "sub-rule (3) shall be omitted" the following be substituted:—

Sub-rule (3) shall read as follows:—

If a decree-holder fails to discharge the obligation imposed on him under sub-rule (1) the court shall refuse to grant him any costs in respect of subsequent execution proceedings and may, at its discretion, refuse to entertain any further application in connection with the portion of the decree which still remains unsatisfied.

According to Order XXI, rule 2 of the Civil Procedure Code if any money payable under a decree is paid out of court, it is the duty of the decree holder to certify that payment to the court concerned. Supposing a judgment-debtor has paid to the decree-holder Rs. 200 in part payment of the decree against him, it is the duty of the decree-holder to go to the court concerned and certify that payment within 90 days. If he does not do that within the period prescribed, he is in no way punished. On the other hand according to sub-rule (3) the judgment-debtor has to suffer inasmuch as the courts concerned refuse to recognise such payments. This is just like that uncouth Punjabi saying which is :

نانی خصم کرے تے دوترا چٹی ہرے

My object in moving this amendment is to remove that anomaly. I want that the person at fault should be punished and this is why I have suggested that no costs should be granted to the decree-holder in subsequent proceedings if he fails to discharge his duty, and the courts may even refuse to entertain any further application for execution. Need I say that it is a very reasonable amendment and the House, therefore, ought readily to accept it?

Mr. President : Clause under consideration, amendment moved--

That in clause 35 for the words "sub-rule (3) shall be omitted" the following be substituted:—

Sub-rule (3) shall read as follows:—

If a decree-holder fails to discharge the obligation imposed on him under sub-rule (1) the court shall refuse to grant him any costs in respect of subsequent execution proceedings and may, at its discretion, refuse to entertain any further application in connection with the portion of the decree which still remains unsatisfied.

The Honourable Mr. D. J. Boyd (Finance Member): Sir, the actual clause to which this amendment has been made provides for the omission of sub-rule (3) of rule (2) of Order XXI. That sub-rule (3) reads as follows:—

A payment or adjustment, which has not been certified or recorded as aforesaid, shall not be recognized by any court executing the decree.

It appears to me that this sub-rule (3) penalizes the unfortunate person who has made payment because he cannot afterwards prove this payment in execution proceedings. It does not seem fair and for that reason the Government are prepared to let the clause stand. I do not think that there is sufficient reason for going the full length of the amendment and the Government benches must oppose it.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** May I then ask for leave to withdraw the amendment ?

The amendment was by leave withdrawn.

Mr. President : Question is—

That clause 35 stand part of the Bill.

The motion was carried.

Clause 36.

Mr. President : Question is—

That clause 36 stand part of the Bill.

The motion was lost.

Clause 37.

Mr. President : Question is—

That clause 37 stand part of the Bill.

The motion was lost.

Clause 38.

Mr. President : Question is—

That clause 38 stand part of the Bill.

The motion was lost.

New clauses.

Mr. President : Shrimati Lekhwati's amendments¹ have been tendered in a spirit of mockery and are, therefore, out of order.

Mr. Mukand Lal Puri : Are they ?

Mr. President : Yes. The honourable member knows as much as anybody else does, that they have been tendered in a spirit of mockery.

Mr. Mukand Lal Puri : I am not a party to it.

¹The following be added after clause 38:—

PART IX.

Penal provisions.

39. Any creditor who demands the payment of his debt from an agriculturist-debtor or makes any attempt to execute his decree against the person or property of an agriculturist judgment-debtor, shall be punished with imprisonment which shall extend to one year or a fine not exceeding the amount of debt.

Penalty for demanding payment of debt from agriculturist-debtors.

40. Any person who refuses to advance loan to an agriculturist, when asked to do so, shall be punished with imprisonment which may extend to one year or to fine not exceeding the amount of debt.

Penalty for refusing to advance loan to an agriculturist.

41. (a) The offences described in section 39 and 40 shall be cognizable non-bailable and shall only be triable by magistrates belonging to the statutory agriculturist tribes.

(b) The fine, if realized, shall be paid to the agriculturist-debtors as compensation.

Title.

Mr. President : Question is—

That the long title stand part of the Bill.

The motion was carried.

Sub-clause 1 (1).

Mr. President : Question is—

That sub-clause (1) of clause 1 stand part of the Bill.

The motion was carried.

Mr. President : Gentlemen, I have to appoint a committee under sub-clause (2) of Article 94 of our Business Manual with orders to report what amendments of a formal or consequential character should be made in the Bill as a matter of drafting. This committee shall consist of three gentlemen consisting of the Honourable Member in charge of the Bill, the Legal Remembrancer and the Deputy President, and shall submit its report by Friday next.

THE PUNJAB LAND REVENUE AMENDMENT BILL.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan (Revenue Member) : I introduce the Punjab Land Revenue Amendment Bill.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I move—

That the Punjab Land Revenue Amendment Bill be taken into consideration.

The motion was carried.

Clause 1 (2).

Mr. President : The question is—

That clause 1, sub-clause (2) stand part of the Bill.

The motion was carried.

Clauses 2 to 5.

Mr. President : The question is—

That clauses 2, 3, 4 and 5 stand part of the Bill.

The motion was carried.

Preamble.

Mr. President : The question is—

That the preamble stand part of the Bill.

The motion was carried.

Clause 1 (1).

Mr. President : The question is—

That clause 1, sub-clause (1) stand part of the Bill.

The motion was carried.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I beg to move—

That the Punjab Land Revenue Amendment Bill be passed.

The motion was carried.

GOVERNMENT'S DEMANDS FOR TOKEN GRANTS.

The Honourable Mr. D. J. Boyd (Finance Member) : I have to announce that the demands printed on the order paper are being brought on the recommendation of His Excellency the Governor.

IRRIGATION CAPITAL.

The Honourable Mr. D. J. Boyd : I beg to move—

That a token sum not exceeding Rs. 10 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of Irrigation (Capital).

The motion was carried.

IRRIGATION—WORKING EXPENSES.

The Honourable Mr. D. J. Boyd : I move—

That a token sum not exceeding Rs. 10 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of Irrigation—Working Expenses.

The motion was carried.

REPORTS OF THE FRANCHISE COMMITTEE AND THE JOINT SELECT COMMITTEE.

Mr. President : I find that the honourable member, Kanwar Mamraj Singh Chohan, who had given notice of a motion that the report of the Franchise Committee be discussed, is absent.

Mr. Mukand Lal Puri : When a member is absent the motion standing in his name is usually dropped and I think there should be a new motion by some other honourable member if the House wants a discussion on the report.

Mr. President : No notice of the motion is necessary, as the discussion of the Franchise Committee's Report was put off by the House. When a certain matter is before the House and the House puts it off the House can take it up without notice of a motion that it may be taken up.

Mr. Mukand Lal Puri : How did the House put off the matter ?

Mr. President : The honourable member may refer to printed proceedings. Does the House wish to discuss the report to-morrow ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable the Leader of the Unionist Party wants time for discussion of the Joint Select Committee's report. I do not know whether the honourable members have been able to wade through the two bulky volumes of the report. I confess that I have not been able to study critically the two volumes yet. I take it that honourable members would like to read the report carefully before discussing it. If the House desires to discuss the report I would suggest our meeting again sometime about the middle of next month.

Chaudhri Afzal Haq : I suggest that both the reports, the report of the Franchise Committee and of the Joint Select Committee, be discussed together then.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Government will consider the matter and I will announce the dates when we meet on Friday next.

The Council then adjourned till 2-30 P. M. on Friday, 30th November 1934.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Friday, 30th November 1934.

The Council met at the Council Chamber at 2-30 P. M. of the clock. Mr. President in the chair.

OATH OF OFFICE.

The following members were sworn in :—

Mr. A. Murphy (Chief Engineer).

Khan Bahadur Nawab Muzaffar Khan (Reforms Commissioner).

Mr. R. J. S. Dodd (Officer on special duty).

STARRED QUESTIONS AND ANSWERS.

LADY AITCHISON HOSPITAL, LAHORE.

***3971. Chaudhri Allah Dad Khan :** Will the Honourable Minister for Education be pleased to state whether it is a fact that there is no place provided in the Lady Aitchison Hospital, Lahore, where the male companions of the female out-door patients could stand or wait, and that they have to wait outside the hospital on the road where they are exposed to sun, rain and dust ? If so, what steps does Government propose to take in this connection ?

The Honourable Malik Sir Firoz Khan Noon : A men's waiting-room exists at the hospital for the use of men accompanying out-door women patients, but it was out of use for a few weeks while the annual repairs and certain alterations were being carried out. A room with a wooden bench has since been set apart for the purpose.

RATES FOR LORRIES.

***3972. Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the rate of hire per mile on *kacha* and *pucca* road is entered on the licences issued for plying motor lorries in the Punjab. If so, will he please state these rates and also and whether it is a fact that the rates of hire at present charged by drivers of motor lorries plying between Zafarwal and Narowal and Zafarwal and Sialkot (district Sialkot) are in excess of the rates entered on the licences ;

- (b) if the answer to the latter part of the above question is in the affirmative, what action is proposed to be taken against these lorry drivers for charging fares in excess of the rates laid down on their licences ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) *First Part.*—It is discretionary with a district magistrate to prescribe such rates ; if he does prescribe them, then it is necessary in the case of passenger fares to exhibit them in a prominent place in or on the vehicle, but this is not necessary in the case of goods rates.

Second Part.—No passenger fares have been fixed ; the rates for goods have been fixed as follows :—

Kucha roads, Re. 0-0-6 per mile per maund.

Pacca roads, Re. 0-0-3½ per mile per maund.

Third Part.—Neither Government nor the local officers have received any complaint that drivers of motor lorries on these roads charge more than the prescribed rates.

(b) Does not arise.

CARRYING OF LATHI BY MAHABIRDAL VOLUNTEERS, RAWALPINDI CITY.

***3973. Shrimati Lekhwati Jain :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the Senior Superintendent of Police at Rawalpindi has prohibited the carrying of *lathi* by Mahabirdal volunteers along with processions, etc., in Rawalpindi city ; if so, why ;
- (b) whether it is also a fact that no such prohibition exists in case of volunteers of other associations ;
- (c) whether Government is aware of the fact that this order has caused widespread agitation in the Sanatanist circles of the province ;
- (d) whether the attention of Government has been drawn to the articles entitled ' *Lathi Day* ' in the daily *Vir Bharat*, Lahore, dated the 18th October 1934, on this subject ;
- (e) whether Government is aware that numerous resolutions protesting against such orders were passed and sent to the Senior Superintendent of Police, Rawalpindi, on the subject ;
- (f) in view of the above and the fact that the Mahabirdal is a peaceful social service volunteer organisation of Sanatan Dharam, whether Government intends to issue instructions removing the ban ?

The Honourable Mr. D. J. Boyd : (a) Yes. It is a precautionary measure to prevent a breach of the peace.

(b) No. The prohibition applies also to similar organisations of other sects and communities.

(c) No.

(d) Yes.

(e) Government have no information on this point.

(f) No ; Government does not propose to interfere with the discretion of the local authorities.

RETRENCHED CANAL OVERSEERS.

***3974. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that a list of the retrenched canal overseers was sent to the Principal, Rasul Engineering College, and to every Superintending Engineer under orders of Chief Engineer, so that they may be employed whenever necessary ;
- (b) if so, whether this list includes the names of those overseers who were retrenched from Second Bahawalpur Circle ;
- (c) if the answer to above be in the affirmative, then how many of those on the above list have been re-employed and how many of them are those retrenched from Second Bahawalpur Circle ;
- (d) whether it is a fact that nearly all the overseers employed during the last years in the Drainage Circle, particularly on the Lower Chenab Canal, are new hands ;
- (e) if the answer to above be in the affirmative, the reason why absolutely new hands have been preferred to those who have already put in long service in the Department ; and
- (f) what Government intends to do in the matter ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Lists of retrenched men were supplied by Superintending Engineers to the Principal, who classified them according to merit. On application the Principal, informs any Superintending Engineer, who needs an overseer, of the name of the next on the list for employment.

(b) Men discharged from the 2nd Bahawalpur Circle were classified along with those from other circles.

(c) So far as can be ascertained 22 men who were classified have been re-employed, two of these were from the 2nd Bahawalpur Circle.

(d) No : no overseers have been appointed during the past four years to the Drainage Circle.

(e) Does not arise.

(f) No action is necessary.

LUDHIANA MUNICIPAL COMMITTEE.

***3975. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the wards of the Ludhiana Municipal Committee were redistributed and the papers were sent to the Ministry for Local Self-Government some years ago in 1928-29 for sanction ;

(b) whether it is a fact that a great disparity exists in the number of voters of various wards as at present constituted and the redistribution scheme removes the same ;

(c) if so, why the sanction has been withheld so long ;

[Shrimati Lekhwati Jain.]

(d) whether it is a fact that recently the Civil Lines area has been included in the municipal limits thereby making the redistribution of wards an imperative necessity ;

(e) if the answer to above be in the affirmative, whether Government intends to sanction the redistribution of wards in view of the new elections coming in the next year ; and, if so, when ?

The Honourable Dr. Gokul Chand Narang : (a) Definite proposals for the redistribution of wards have never been received by Government. The Commissioner, the Deputy Commissioner and the Municipal Committee have corresponded about the matter, but owing to the inclusion of the Civil Lines in the Municipality, which was for a long time under consideration, and to difficulties involved in adjusting the wards after such inclusion, they have not yet been able to complete the proposals.

(b) It is understood that there is a great disparity in the numbers of voters in different wards, but, as above stated, no redistribution scheme removing such disparity has been received.

(c) Does not arise.

(d) Yes.

(e) The Commissioner is being asked to expedite the matter, and Government will certainly endeavour to sanction the proposals before the next election, if they are received in time.

LOTHIAN COMMITTEE REPORT.

***3976. Diwan Bahadur Raja Narendra Nath :** Will the Honourable Revenue Member kindly place on the table final proposals made by the Local Government with reference to the observation made in paragraph 170 of the Report of the Lothian Committee, Volume I ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I regret that the reply to this question is not yet ready. It will be supplied to the honourable member when ready.

SHORT NOTICE QUESTIONS AND ANSWERS.

NON-OFFICIAL CHAIRMEN OF DISTRICT BOARD.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Local Self-Government be pleased to state—

(a) whether it is the declared policy of Government to encourage district boards to elect a non-official chairman if they like after their election ;

(b) whether Government has sent letters to district boards to that effect ;

(c) how many boards have since shown their desire to elect non-official chairmen ;

(d) whether it is a fact that some time ago the District Board of Multan passed a resolution by 26 votes against 12 for electing their non-official Chairman ;

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- (e) if so, what was the date of this resolution ;
 - (f) whether this resolution had been passed long before the last session of the Council at Simla ;
 - (g) if the requisite approval has not so far been given though more than four months have passed, the reason for the delay ;
 - (h) whether Government is aware that once half a dozen members of the Council sent up a resolution that district boards should be allowed to proceed to elect non-official chairmen as soon as they pass a resolution to that effect without waiting for Government approval ;
 - (i) what Government proposes to do in the case of Multan ;
 - (j) when Government will come to a decision ?

The Honourable Dr. Gokul Chand Narang : (a) Yes.

(b) Yes.

(c) Two boards indicated their preference, and have been allowed to elect non-official Chairmen. Another board passed a resolution to the same effect, but before Government had arrived at a decision it withdrew its request. Yet another board passed a similar resolution, but there were representations to Government that the proceedings had been irregular, and on being requested to pass a fresh resolution, the board reversed the previous decision. Besides these the Multan District Board has also passed such a resolution. I may also mention that by a rule framed in 1919 the Sialkot Board has had the option to elect the Chairman or to apply to the Local Government to appoint one ; and it has always elected the Deputy Commissioner as the Chairman.

(d) Yes.

(e) June 21st, 1934.

(f) It was passed five days before the Simla session of the Council.

(g) The Government has decided to comply with the request and orders have been issued.

(h) Nine members signed the resolution but it was never moved.

(i) and (j) Do not arise.

APPOINTMENT OF INDIAN CHRISTIANS AS HOUSE SURGEONS OR PHYSICIANS
IN THE MAYO HOSPITAL, LAHORE.

Mr. E. Mayadas : Will the Hon'ble Minister for Education be pleased to state—

- (a) whether it is a fact that biennially six duly qualified persons are given posts as House Surgeons and House Physicians for one year, in the Mayo Hospital, Lahore ;
- (b) if so, since 1915 to 1931, what is the number of persons so appointed ;
- (c) out of the appointments so made how many times Indian Christians were appointed ;

[Mr. E. Mayadas.]

- (ii) (a) whether it is a fact that since 1981 or thereabout the number of posts has been increased from 6 to 12 ;
- (b) if so, since the number was increased to 12 up to end of 1983, what is the number of persons so appointed ;
- (c) how many out of them were Indian Christians ;
- (iii) whether it is open to the Indian Christians to compete for these posts ;
- (iv) in case the total number of Indian Christians that have been appointed to these posts is smaller than what they might expect on communal basis, whether Government is prepared to consider the application of an Indian Christian this year, if a suitable candidate is available ; if not, why not ;
- (v) (a) whether it is a fact that generally 3 Muslims, 2 Hindus and one Sikh, are selected ;
- (b) whether it is a fact that there have been occasions (one was perhaps in 1982) when instead of 2 Hindus only one Hindu was selected ;
- (vi) (a) amongst the students who have passed the final Medical Examination this year, whether there is any Indian Christian ;
- (b) if so, whether he has made application for appointment to one of these posts ;
- (c) if so, whether Government is prepared to consider his application ; if not, why not ?

The Honourable Malik Sir Firoz Khan Noon : (i) (a) Yes.

(b) 105.

(c) Once.

(ii) (a) In December 1982 the number of posts of these House Surgeons and Physicians (Honorary for the first six months and salaried for the remaining six months) was raised from 6 to 12.

(b) The number of appointments made from December 1982 to the end of 1983 was 18.

(c) None.

(iii) Yes.

(iv) Yes.

(v) (a) Yes.

(b) Yes.

(vi) (a) Yes, there is one Indian Christian.

(b) No.

(c) Does not arise.

DISCUSSION ON THE JOINT SELECT COMMITTEE REPORT.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan (Revenue Member): Sir, a request was made the other day asking Government for time to discuss the report of the Joint Select Committee. I have to announce that the Government is prepared to fix 17th and 18th of December for the purpose.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

The Honourable Mr. D. J. Boyd (Finance Member): I beg to present the report of the drafting committee on the Punjab Relief of Indebtedness Bill.

Mr. President: The report which has been presented by the drafting committee, appointed under Article 94 (2) of the Business Manual, has not stated in proper form the formal and consequential amendments proposed by it. I propose, therefore, to adjourn the Council till 4 o'clock so that by that time the committee may be able to draft the amendments in proper form and resubmit them to the House.

The Honourable Mr. D. J. Boyd: I must express regret that we did not appreciate that separate notice of the amendments were required. I am very sorry for the inconvenience caused to you and the House.

The Council then adjourned till 4 P. M.

The Council re-assembled at 4 P. M.

FRANCHISE COMMITTEE REPORT.

Kanwar Mamraj Singh Chohan: Will the House discuss the Franchise Committee Report to-day?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan: Is the House really anxious to discuss that report? On the last occasion I got the impression that the House was not keen to discuss it. If, however, the House desires to discuss the report, Government will be prepared to give time after the discussion of the Joint Parliamentary Committee's Report.

THE PUNJAB RELIEF OF INDEBTEDNESS BILL.

The Honourable Mr. D. J. Boyd (Finance Member): I present the report of the drafting committee on the Punjab Relief of Indebtedness Bill.

Mr. President: Now that the report of the drafting committee has been presented, the House will proceed to consider the amendments recommended by the committee one by one. The question is—

In the preamble, for the words "relating to" the words "governing the" be substituted.

The motion was carried.

Mr. President: The question is—

In clause 3, in place of the words "insert after the existing clause (a) the following", the following words shall be inserted:

"After the existing clause (a) the following clause shall be inserted."

The motion was carried.

Mr. President: The question is—

In clause 3, sub-clause (aa) in place of the words "Part V of the Act", the words "section 74 of this Act or" shall be substituted.

The motion was carried.

Mr. President : The question is—

In clause 4, in place of the words "of the said Act", the words "of the Provincial Insolvency Act, 1920" shall be inserted.

The motion was carried.

Mr. President : The question is—

In clause 5, sub-clause (ii) for the words "after the word 'court' in clause (b) of the same sub-section", the words "where it appears for the first time in sub-section (1)" shall be substituted.

The motion was carried.

Mr. President : The question is—

In clause 5, sub-clause (iii) for the words "in clause (b) of the same sub-section" the words "in sub-section (1)" shall be substituted.

The motion was carried.

Mr. President : The question is—

In clause 5, sub-clause (iv) in place of the words "to clause (a) to sub-section (2) the following words shall be added:" the following words be substituted :

"to sub-section (2) the following clause shall be added "

The motion was carried.

Mr. President : The question is—

In clause 5, sub-clause (iv), between the words "Imperial Bank of India" and "by more" when they first occur, the following words be added :

"in force at the date when the loan was borrowed."

The motion was carried.

Mr. President : The question is—

In clause 5, sub-clause (iv), sub-clauses (1) and (2) be made into a single clause and sub-clause (3) be made into an explanation.

The motion was carried.

Mr. President : The question is—

In the proviso to the same sub-clause for the word "courts" the word "court" be substituted.

The motion was carried.

Mr. President : The question is—

In clause 7, sub-clause (1), in place of the words "to co-operative banks and societies" the words "to co-operative banks or to co-operative societies" be substituted.

The motion was carried.

Mr. President : The question is—

In the same sub-clause, before the words "any banking company", the word "to" be inserted.

The motion was carried.

Mr. President : The question is—

In clause 7, sub-clause (2), after the word "debtor", the words "for the purpose of this part of this Act" be inserted.

The motion was carried.

Mr. President : The question is—

That in clause 8, sub-clause (1) (b), the word "a" be inserted in place of the word: "any".

The motion was carried.

Mr. President : The question is—

In clause 8, sub-clause (3), for the word "of" between the word "date" and "such", the word "specified in" be substituted.

The motion was carried.

Mr. President : The question is—

In clause 8, sub-clause (4), in place of the figures "22", the figures "23" be substituted.

The motion was carried.

Mr. President : The question is—

In clause 11, sub-clause (2) (b), for the word "or", the word "and" be substituted.

The motion was carried.

Mr. President : The question is—

In clause 12, sub-clause (2) the word "with" be omitted before the word "acknowledgment".

The motion was carried.

Mr. President : The question is—

In the proviso to clause 13, for the word "directions", the word "direction" be substituted.

The motion was carried.

Mr. President : The question is—

At the end of the proviso to clause 14, sub-clause (1), the word and figures "and 10" be omitted.

The motion was carried.

Mr. President : The question is—

At the end of sub-clause (2) of clause 17, the words "of the jurisdiction of the board" be added.

The motion was carried.

Mr. President : The motion is—

In clause 19, in place of the words "no second application shall lie within two years of the date of dismissal of the first application", the words "no board shall entertain a second application within two years of the date of disposal of the first application" be substituted.

Mr. Labh Singh (Rawalpindi division and Lahore division, North, non-Muhammadan, Rural): I think the original amendment adopted by the House was slightly different from the one that is proposed now. The underlying idea of the amendment that was adopted by the House when the clause was under consideration was that once an application is made by a debtor and is disposed of, no second application shall lie, that is, no application could be made either by the debtor or somebody else on his behalf. The drafting amendment suggested by the committee seems to imply that only the debtor cannot make a second application. This amendment therefore seems to be destructive of the original amendment adopted by the House.

The Honourable Mr. D. J. Boyd (Finance Member): I think the objection is groundless. The amendment is that no board shall entertain a second application. That does not restrict the prohibition to a second application of any particular person. The words "no application shall lie" was to my mind somewhat doubtful English. Of course I am aware that

[The Hon. Mr. D. J. Boyd.]

in ordinary conversation we say that an application shall not lie. But I am not at all sure that it is perfect English. There can, however, be no doubt that the expression "No board shall entertain a second application" is good English.

The only thing about this clause to which I would like to invite the attention of the House is that for the word "dismissal" we have substituted the word "disposal". That undoubtedly does make a difference in the meaning of the clause. We have changed the word "dismissal" into "disposal" advisedly because in the earlier part of the clause the words "disposed of" occur—"if once an application is made by a debtor and disposed of." Therefore the right word that should occur later is "disposal" and not "dismissal." "Disposal" covers both acceptance and dismissal whereas the original clause as adopted by the House referred only to dismissal. I think the House should have its attention drawn to this change before it actually adopts the present amendment.

Mr. President : The question is—

In clause 19, in place of the words "no second application shall lie within two years of the date of dismissal of the first application", the words "no board shall entertain a second application within two years of the date of disposal of the first application" be substituted.

The motion was carried.

Mr. President : The question is—

In clause 20, sub-clause (2), the word "shall" be removed from before the word "notwithstanding" and inserted before the words "not allow".

The motion was carried.

Mr. President : The question is—

In clause 20, sub-clause (3), the word "shall" be removed from before the word "notwithstanding" and inserted before the words "not be executed".

The motion was carried.

Mr. President : The question is—

In clause 21, at the end of sub-clause (b), for the figures "19" the figures "20" be inserted.

The motion was carried.

Mr. President : The question is—

In clause 26, for the words "Part IV", the words "this Part" be substituted.

The motion was carried.

Mr. President : The question is—

In clause 26, for the words "suit or application or appeal", the words "application, suit or appeal" be substituted.

The motion was carried.

Mr. President : The question is—

That in clause 28 (1), for the words "the Act" the words "this Act" be substituted.

The motion was carried.

Mr. President : The question is—

That in clause 28 (a), for the figures "8 (3)" the figures and letter "8 (1) (c)" be substituted.

The motion was carried.

Mr. President : The question is—

That in sub-clause (g) of clause 28, for the figures "19" the figures "20" be substituted.

The motion was carried.

Mr. President : The question is—

That in sub-clause (h) of clause 28, for the words "the Act" the words "this Act" be substituted.

The motion was carried.

Mr. President : The question is—

That in sub-clause (2) of clause 28, between the words "to" and "condition" the word "the" be inserted.

The motion was carried.

Mr. President : The question is—

That in clause 30, for the words "the Act" the words "this Act" be substituted.

The motion was carried.

Mr. President : The question is—

That in the proviso to clause 30, the description of the Punjab Alienation of Land Act be corrected.

The motion was carried.

Mr. President : The question is—

That in clause 31, for the figures "29" in sub-clauses (1) and (2), the figures "30" be substituted.

The motion was carried.

Mr. President : The question is—

That in sub-clause (1) of clause 33, for the words "the Act" the words "this Act" be substituted.

The motion was carried.

Mr. President : The question is—

That in clause 33, sub-clause (3), between the words "to" and "condition" the word "the" be inserted.

The motion was carried.

Mr. President : The question is—

That in clause 34, in place of the words "'50 acres' shall be substituted for '30 acres'" the words "for the figures and word '30 acres' the figures and word '50 acres' shall be substituted", be substituted.

The motion was carried.

Mr. President : The question is—

That in clause 36, for the words "or let to others" the words "or lent to others" be substituted.

The motion was carried.

Mr. President : The question is—

That owing to the insertion of clauses 19 and 30 all clauses from 19 onwards be re-numbered.

The motion was carried.

The Honourable Mr. D. J. Boyd (Finance Member) : Sir, I beg to move—

That the Punjab Relief of Indebtedness Bill be passed

[The Hon. Mr. D. J. Boyd.]

We have been considering this Bill since the 18th of October and the principle of the Bill was very fully discussed in the Simla session. It was again very fully discussed when I moved that the Bill be taken into consideration at the beginning of the present session. Each clause has been very fully discussed since then. Accordingly I propose to set a good example and make no speech. (*Hear, hear and cheers*).

Mr. President : Motion moved—

That the Punjab Relief of Indebtedness Bill be passed.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** I have got one suggestion to make and that is that a limit may be set to each speech. I think 15 minutes for every speech will be a suitable limit.

Mr. Nanak Chand Pandit : No limit can be fixed when an important measure of this kind is going to be passed. We are in a minority and the minority has a right to place its view before the Council and emphasise it.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : So far as the question of time limit is concerned, it is for the House to make a request and for you to decide. But I suggest that we should sit to-day till we finish this Bill.

✓ **Mr. President :** I think the House will accept that suggestion.

Rao Bahadur Chaudhri Chhotu Ram : There is one difficulty. Half a dozen of us have an engagement at half past six to-day.

Chaudhri Allah Dad Khan : There are two days for this and if we cannot finish to-day we can finish even late to-morrow.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : Sir, I was going to submit that the unequal battle which raged on the floor of this House for a long number of days is coming to an end. I say it was an unequal battle because on the one side there was a large number of people who were prepared to vote for the Bill as it stood or even if it became much worse than it actually was. But it is our duty, the duty of those who represent 50 per cent. of the Punjab population, though they are in a minority in this Council, to place our views before this House on a measure like this which affects the life of this province not only in financial matters but in other matters as well. There are three stages of this Bill. The first was when the Bill was presented by the Government and a discussion with regard to it took place during the Simla session. The second stage was when it was referred to the select committee and emerged out of that committee. The third is the present stage. These three stages have to be taken into account. In the first stage nobody who had read the Bill carefully could possibly accuse the Government of any anti-agriculturist sympathies. The Bill was decried no doubt by a large section of this House representing non-agricultural interests. But the Bill as it stood was, if I may be permitted to say so, a Bill which went clearly in favour of the agricultural tribes of the Punjab and the agriculturists in general. Not content with that, the Bill was referred to the select committee and very many drastic changes were made by the committee in that Bill. It was admitted by every fair-minded person that the Bill as it emerged out of the deliberations of the select committee had completely changed its hue and colour and had become a new measure.

Mr. President : I may inform the honourable member that at this stage speeches must be strictly limited to the matters contained in the Bill.

Mr. Nanak Chand Pandit : Sir, I am just referring to those matters which are contained in the Bill and I will not say a single word about matters which are not contained in the Bill. Most of the provisions of this Bill are to be found in the report of the select committee and I am making mention of this fact in order to show to the honourable members that an advice was given by you that the Bill as it emerged from the select committee has changed in a very material and drastic manner and in spite of the advice given by you that the Bill should not be proceeded with the Bill was placed before the Council.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I do not think this is correct.

Mr. Nanak Chand Pandit : The Bill as it has emerged after a full debate in the Council, has gone still from bad to worse so far as those people are concerned who are entirely dependent upon non-agricultural professions and therefore it is but proper that we should at this stage consider the aspects of the Bill which would affect the various people living in this province. Therefore I intend to discuss very briefly this Bill from 5 points of view, the Bill as it affects the rural credit, the Bill as it affects urban credit, the Bill as it affects the administration of justice, the Bill as it affects law and order in this province and finally as it touches the Hindus living in this province.

Mr. President : I am afraid, all these matters are not contained in the Bill. I have already stated that at this stage speeches must be confined strictly to matters contained in the Bill. The honourable member, I hope, will not go beyond the provisions of the Bill.

Mr. Nanak Chand Pandit : This is exactly what I was going to submit and you will catch me when I am irrelevant in any matter. I am going to show how the provisions which have been incorporated in the Bill are going to affect rural credit, administration of justice and law and order. I do not think that I would be travelling beyond the provisions of the Bill or beyond my province as a representative of the people who have sent me here, if I were to point out to the Government now in these various matters that the provisions which have been now incorporated in the Bill touch their lives and their every day occupations. Therefore, the first point that has to be looked into is whether the Bill would bring any relief to the agriculturist debtor who lives in the rural areas. I submit with all the earnestness and seriousness that I can command that this Bill is going to destroy entirely rural credit. Various provisions have been made in this Bill with regard to the Usurious Loans Act, with regard to various Acts which are in operation at present and I find that if the provisions of the Bill are going to be assented to by His Excellency the Governor, the agriculturists living in rural areas as well as those living in urban areas will find themselves either entirely at the mercy of shylocks or they will go without getting any credit from anywhere. This is the main point which I wish to emphasize while I am dealing with rural credit. Sometimes it has been stated on the floor of the House that there are two classes in this province, the debtor class and the creditor class. But unfortunately those people who call themselves representatives

[Mr. Nanak Chand Pandit.]

of the debtor classes have not tried to understand really the financial situation in this province. There are people in this province who are both creditors and borrowers, people who lend money to other people, but at the same time are borrowers themselves as was pointed out by Mr. Haig while speaking on the Money Lenders Bill, as it was presented in the Legislative Assembly in 1923. Financial conditions in India are entirely different from the financial conditions in England and other European countries and he pointed out, and I would quote his very words, how this Bill would ruin the financial fabric of the Indian society and I submit that these words are fully applicable to the Bill now under discussion. The Honourable Mr. Haig stated the question in these words —

The whole result would be to interfere to a very great extent with the money-lending system of the country and I would ask the honourable members to remember, as no doubt they will remember, that whatever hard things may be said against money-lenders as a class or individuals in particular, the fact remains that the money-lender is one of the most useful members of society in this country. The honourable member says 'question' but how is a vast agricultural country especially in those tracts where the ryotwari system is prevailing, how is it to be carried at all, if money is not available for agriculturists. Agriculture cannot be carried on without borrowed capital. The honourable member says "co-operative societies." How many co-operative societies are there as yet in this country? It is, therefore, not realized that co-operative money-lending in spite of the great strides that it has made is still in its infancy and that if we were to strike a blow at the common system of lending money in this country the result would be disastrous.

These were the words of Mr. Haig.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** When were they uttered?

Mr. Nanak Chand Pandit : They were uttered by Mr. Haig in 1923 and I submit that conditions have not since changed in any material degree. I pointed it out then and I point it out now that in the Punjab it is not only a class of money lenders that lend money to people but everybody in the province is either a borrower or a lender and sometimes both. You will find in rural areas people lending money as well as borrowing money, orphans, widows carrying on moneylending in order to make their livelihood. These things exist in every Punjab village, in every small town, and in every notified area. Banking system as known in Europe is very limited in this province even at this time and I may point out to honourable members that by passing this Bill they are striking at the root of rural credit. An agriculturist must always borrow. He cannot carry on unless he is permitted to borrow freely and largely in the town market. The Bill unfortunately is going to destroy this system of agricultural borrowing and the worst effect of this Bill would be felt in these rural areas. What is going to happen if this Bill is passed? One effect of that would be that these people who generally lend money on interest would, in future, refuse to lend money to agriculturists at the time of their need. Sir, I say with all seriousness that if this takes place, dacoities would be committed, murders would take place and the lives of moneylenders and persons who possess money will be in danger. (Interruption). Honourable members will have their turns to speak and I will not interrupt them, but if they continue to interrupt me I do not mind these interruptions. I do not mind if they want to carry on this game, I can play it myself too. The result of that would be, as I submitted, complete disturbance in rural areas and the agriculturists will find that they can go to

✓ nobody for loan when they have to pay their land revenue. Surely it is not contemplated that needy people will cease to have their needs in future. Will the agriculturist become in future an entirely changed man that he would not require money at the time of marriage, or at the time of illness in his house? These things are not going to be changed even by the passing of the Bill. In such circumstances the agriculturists or persons who live upon small trades or small agricultural professions subservient to agriculture, if they were to go and borrow they will find that they have no credit in the market and they will not be able to get even a penny. The result would be disturbances and destruction of the state of peace in which people at present live. Not only would there be a destruction of private moneylending, but you will find that those occupations or trades which depend not on agriculture but on small borrowings, the carpenters, blacksmiths, potters and small tailors, all these will find themselves in a position that they would not be able to carry on their professions in a peaceful manner. Therefore with all the seriousness and earnestness that I can command I submit to the Government and through Government members to His Excellency the Governor that he should withhold his assent from this Bill which is going to be placed before him after it has been passed by this Council.

Next, Sir, we have to consider how the Bill will affect urban credit, or the credit of people who are living in non-rural areas, people living in small towns, people living in notified areas and municipal committees. I could not understand why the amendments moved by Mr. Puri on these matters were not accepted by those people who represent or claim to represent agriculturist interests. You can just imagine the condition of those people who in carrying on their petty shopkeeping, their various professions in order to obtain their livelihood, find that they cannot obtain any money from anywhere. Surely co-operative societies are not going to lend any money to them. They are mainly for the benefit of the agriculturists. There are no large banks existing in this country in small towns or notified areas. Where are then these people going to get their money from? How are they going to carry on their day to day professions in order to earn their livelihood and keep large families which unfortunately is a feature of the Indian society. Not only this, but we find that the Punjab has entered upon an industrial career only recently. It was mainly and predominantly an agricultural province, but finding other provinces going ahead in the race of industrial development, the Punjabees have also begun to stir themselves up. But on the passing of this Bill, they will find that the industrial awakening which had taken place and commercial awakening which had taken place will be nipped in the bud. It is an unfortunate part of the whole affair that honourable members here in this House seem to think that there is some direct antagonism between industrial and agricultural interests. I do not hold this view. Those who are engaged in the profession of agriculture have mainly to depend on industrialists or persons who trade and *vice versa*. There is no antagonism between the two. The industrialist is as essential for the agriculturist as the latter is for the former. Therefore this antagonism exists in the minds of the majority of the honourable members who represent rural classes and this seems to be at the root of this doubt, this want of confidence in the non-agriculturist classes or the trading classes. Thus you will find that there would be no money to invest in industry, no money

[Mr. Nanak Chand Pandit.]

to invest in factories and no money to carry on commerce and other professions of a similar nature. The law of supply and demand cannot possibly be defied. Legislators may legislate, people may say whatever they like, but the eternal laws of economics which govern matters of this kind cannot be defied. I already pointed it out and I point it out once again now that capital will flow away from this province to the neighbouring provinces. I point out that factories and industries have sprung up in the United Provinces with the help of the Punjab money. The honourable member, Rao Bahadur Chaudhri Chhotu Ram, said that that was due to the fact that sugarcane could be got there more cheaply. Exactly that was my point. If money could go from this province to other provinces for the building up of industry, the law of supply and demand, the economic laws to which reference was made by the honourable member, Rao Bahadur Chaudhri Chhotu Ram, are bound to work with equal vigour when it is declared by this Bill that a rate of five per cent. per annum on secured loans will become an excessive rate of interest and the Usurious Loans Act as modified by this Bill would be invoked by the court for the help of the debtors. I submit that the result would be that industrial development would be greatly injured and urban people or members of agricultural tribes who can neither own land nor can buy land nor can go into Government service and whose only source of sustenance is either petty shopkeeping or commerce trade or small industry of any kind would be hard hit by this Bill. The result would be great misery and ruin, not contemplated—I hope I am right there—by honourable members who are supporting the drastic measure which is going to be passed by this Council. I have already submitted that it would have a very bad effect on the administration of justice. It is surprising how honourable members who have voted for some of the sections which are incorporated in the Bill have very lightly given their vote without even understanding that the Government was not supporting them. For example, instead of trying to find out methods by which an honest money-lender who has got a decree should have the fruits of his decree, efforts have been made that even that decree should go unsatisfied. There has been a drastic change, in section 60 of the Civil Procedure Code. It has been laid down, if this part of the Bill is going to be accepted, that houses owned by certain class of people shall not be attached in execution of a money decree even though the houses are not occupied by agriculturists or are not required for their own living purposes. Even those houses which are spare, which are superfluous shall not be attached. What happens then? Under the Punjab Alienation of Land Act, the land cannot be touched, it cannot be attached. Under this Act which is going to be passed the property of the agriculturist in the shape of houses cannot be attached and if we remove the only other safeguard, namely warrant of arrest, then even the movables could be hidden somewhere and the moneylender or the person who has got a decree from the court has the bare satisfaction of having gone to a British court of justice without the means of realising the fruits of his decree. Honourable members have not seriously thought of providing any machinery by which the just fruits of a decree should somehow or other be ensured to the person who has got the decree. Is this law? Is this, I ask, in the name of justice and fairplay, a thing to be proud of? Are we to take it that

those honourable members who have voted for this drastic provision of the Bill in spite of the desire of Government not to get it passed have been earnest, have been serious when they asked the House to give its acceptance to the provision? It would be, I submit, a sheer mockery and sham if we were to accept this provision which utterly destroys the hope and debars the possibility of the money-lender for the realisation of those amounts which, after full investigation, have been decreed by the court. Why pursue this policy, why say to the world that power which once passed over to certain class of people is going to be abused in this manner? I ask honourable members who have supported this part of the Bill to be really serious and to be face to face with the unfortunate cases of those people who, after having spent a lot of money, a lot of time and trouble in order to get a decree, find that they can be set at defiance.

I shall not take a long time over conciliation boards. Much was said by us at the time when the clauses relating to this subject came up for discussion. I do not regard these boards as conciliation boards at all. According to me they are coercion boards in which people would find that they have exchanged one paper for another and that too, a paper of no use, of no value, if we look to the provisions regarding the amendment to section 60 of the Code of Civil Procedure and the provisions regarding arrest. Surely if your conciliation boards have given one paper in place of another paper, have said that instead of realising Rs. 1,000 the unfortunate money-lender is to realise only Rs. 300, even in that case some provision should have been made that the debtor should have been called upon to pay that amount. That has not been done. On the other hand every effort, as I have said, has been made to put the unfortunate creditors, the unfortunate people who find themselves in an unenviable position today, in the place of mere helots to whom the protection of the law is not to be given any longer. These are very serious matters and I ask my honourable friends that before they proceed with measures of this kind they should calculate the harm that will be done to the province as a whole if this Bill were passed.

Then there is one other important part of the Bill, namely the part which deals with *damdupal*. With your permission I shall quote the following words again from Mr. Haig who said this with regard to *damdupal* :—

The point I wish to make is that *damdupal* though in itself a very well-meant rule is really a very primitive expedient. It lays down no period within which interest may be allowed to accumulate up to an amount equal to the capital. For instance, the rule is this that the amount of interest claimed at any one time must not exceed an amount equal to the capital. It takes no account of the periods of payment of interest. If a suit is brought at the end of three years there is nothing to prevent as far as the rule goes the persons bringing the suit from recovering interest which amounts to 33 per cent. per annum. On the other hand if a suit is brought at the end of twenty or thirty years the rate of interest is enormously reduced. It is in fact a clumsy way of regulating the rate of interest. The question of regulating the rates of interest has been gone into frequently. It was investigated by a Parliamentary committee in England and I think it has been universally condemned by all those experts who are competent to deal with it. Moreover there are several positive dangers about this rule of *damdupal*. The first is this. If you have a rule of that sort in force all payments which are made are immediately credited as interest, never anything against the principal. Secondly it is a direct temptation to the money-lender at the time when the bond is made to cause the debtor to agree to have a much larger sum entered as principal than that actually given to him in order to enable the creditor to recover a larger sum when he goes to court. Thirdly, it leads to the practice of nominally winding up a transaction and

[Mr. Nanak Chand Pandit.]

beginning a new one so that the additional amount shown in the new bond is very much greater than that originally lent. Fourthly, it compels the money-lender to bring a suit at the earliest possible moment which, with all due respect to my honourable friend's opinion, is not an unmixed blessing even to the debtor.

This was what was said by a member who represented the Government of India. And here the Punjab Government in their wisdom have thought it fit to put this clumsy, this awkward, this archaic matter into law in the year of grace 1934. It would have been very wise if the Government of India's example had been followed by the Punjab Government and we had taken a leaf out of that Government's book in order to settle matters of this kind in a more amicable, more wise and more just manner. This is all I have to say at the present time with regard to *damdupat*. One thing has been emphasised in the quotation which I have given, and it is this, that the money-lender, as I said in the beginning, the honest money-lender will find his trade gone, while the shylock, the dishonest money-lender, will find that these are days of his prosperity, he will find that he has got debtors or the debtor classes — if there are debtor classes of the kind which seem to exist in the imagination of various honourable members of this Council — at his mercy. That matter was pointed out by speaker after speaker from these benches but no heed was paid by honourable members who sit on the other side. But there was the warning, the warning conveyed by the Government of India when they opposed a differently named Bill of Muhammad Yamin Khan in the Legislative Assembly in 1923. Efforts have been made in this Council times out of number to threaten credit in this province. We are aware of the Moneylenders Bill of 1925, of the Punjab Regulation of Accounts Bill of a later date and this is the third attempt made in all seriousness and earnestness to destroy the credit system of this province. I appeal to you in the name of reason and fairplay that you cannot possibly disregard the warning conveyed to you by a member of the Government of India in 1923 speaking in the Legislative Assembly. It is a very serious thing. In a very light-hearted mood you are seeking to destroy the credit of this province, to destroy the financial fabric on which the prosperity and peace of this province depends. Bills have been passed to deal with similar problems in other provinces than the Punjab. It is said that circumstances differ in a very material degree, that there is something in the United Provinces or in Bengal that does not exist here. But remember this that you find credit limited in this province because of the Punjab Alienation of Land Act; the rate of interest is higher because people are not desirous of lending when there is no security. The result of this, if such is the case, should be that there should be more facilities granted for the credit, for lending and borrowing from one person to another. I cannot possibly understand how this difference in circumstances is an argument which should go to support the drastic provisions of this Bill. Honourable members says: "We do not care if credit in the Punjab is curtailed, we do not mind if the agriculturist does not get the money at the time of his need; we do not desire that the agriculturist should go and beg for money at the door either of this man or that." These are idle words. Their consequences have not been weighed. The needs of those people who entirely live on agriculture have not been taken into consideration. If such was the case things would have been mended

long ago. Unfortunately the agriculturist, not only in the Punjab, not only in India, in provinces outside the Punjab, has to borrow, but even in advanced countries like England, France, Germany, America, the peasant has to borrow. Only the other day I gave instances how the agricultural debt in the United States of America was at a very large figure. The borrowings have to go on. Otherwise agriculture cannot be carried on. Is it seriously desired that the agricultural industry in the Punjab should receive a set-back and that people should be forced at the point of the bayonet to sell their lands to people of agriculturist class whose aim and desire is to grab all agricultural land? Is that the desire of the Punjab Government, or of the honourable members of this House? That would be the result if this Bill is enacted into law in the shape in which it is emerging from the Council. Therefore I ask the House to remember that they are laying the axe at the root of agricultural industry in this province. The Punjab which has been famous for its canals and agricultural prosperity, that Punjab would find that with its credit gone, the agriculturist at the mercy either of shylocks who would resort to various kinds of practices or at the mercy of those agriculturist lawyers, those agriculturist money-lenders who would know where the shoe pinches and would be prepared to take full advantage of the misery of the agriculturist peasant. I ask the House to take these matters into serious consideration. I have already hinted at it and I do not want to repeat that

5 P. M.

so far as the administration of justice and law and order is concerned it is going to be seriously jeopardised. What I said in regard to the conciliation boards, while discussing the various amendments, I need not repeat. The courts of justice will find that their occupation is gone. They will find that confidence in their administration has gone. They will find that a man can go to a conciliation board and can get a decree either modified or set aside by the various subterfuges adopted to defy the judgments of the court and therefore that is a serious matter which should be taken into consideration.

Lastly, Sir, as a representative of the Hindus of the Punjab in this Council I wish to issue a kind of warning to the Punjab Government. I want to tell them this that there are 29 per cent. of the Punjab population who profess the Hindu religion and Hindu faith. Twenty-five per cent. only of this 29 per cent. are declared members of agricultural tribes under the Punjab Land Alienation Act. There are 75 per cent. who on account of this Land Alienation Act cannot take to agriculture. Government's stubborn attitude not to include more Hindus within the purview of the Act has driven them to take to professions like shopkeeping, money-lending, industry and commerce, and the result is that if there is an outcry that this Bill is against the Hindus it is because 75 per cent. of the Hindu population is not an agricultural population but entirely dependent on things other than agriculture. It was in view of this that at my request my honourable friend, Mr. Puri, in all seriousness placed two or three amendments before the House in order to exclude people who are residents of towns, small towns or notified areas from the operation of this Bill and to confine the Bill to the residents of rural areas or only to classes who do not have anything to do with trade, commerce and other things. Now, it is significant that on that day when these motions came up there were 25 votes for and 25 against the amendments, that is to say, 25 persons were for a compromise of that sort

[Mr. Nanak Chand Pandit.]

and therefore there was an adjournment. It is not surprising that Sikhs and Hindus stood together for an amendment of that kind but unfortunately owing to the stubborn attitude adopted by the members opposite under the leadership of Chandhri Chhotu Ram that compromise did not materialise. These are serious matters which I request Government to take into consideration. The whole community of Sikhs and Hindus wanted this protection but instead of the Bill being limited to agricultural areas it is being extended by the agriculturist members to people residing in areas other than rural, in other words, the Bill is going to be imposed on the whole province. That, Sir, is a very serious matter. I have been constantly attending the Legislative Council during the discussion of this Bill and throughout the speeches I have mainly confined myself to agriculturist requirements. The result is that these salutary motions which would have gone a long way in allaying the fears of the minority who do not want the provisions of the Act to apply to loans advanced to people not dependent on agriculture or to a trader, contractor or shopkeeper, were rejected. All words of wisdom, all words of caution were thrown to the wind and instead some amendments which the Government did not want to support were passed. Now the Bill is going to be imposed ruthlessly on this 29 per cent. of the population of the Punjab. I would say this to the people who are looking forward to a Bill of this kind that when power is entrusted to them, they should try and judge the feelings of the minority. It is not always wise for the majority to impose conditions of this kind which are insulting and humiliating to people who belong to the minority community. In spite of all this I believe that under the most difficult times Hindus will find certain methods to live, but this is a warning for the Government to take. It has been repeated times out of number and I repeat it for the last time that it would be useless to try and crush this immortal race by a legislation of this kind. Efforts were made when the amendment moved by Mr. Roberts was carried, that wiser counsel should prevail and the Bill should have been strictly confined to people who wanted it for their own benefit and not imposed on the province as a whole.

(At this stage Mr. President called upon Mr. Mukand Lal Puri to speak.)

Mr. Mukand Lal Puri : Sir, may I make a submission. I have been very ill as my voice will indicate. Therefore, I hope you will permit me to speak tomorrow or at a later stage.

Mr. President : It was in the honourable member's presence, I presume, that the Leader of the House suggested that discussion on the Bill should be finished today.

Mr. Mukand Lal Puri : I was not present when this suggestion was made. You will remember that last time you decided to allocate two days and it was on that understanding that I did not come earlier. In fact it is only by mere accident that I have attended today. I am not in a position to say anything now. I might speak at a later stage, if necessary.

(At this stage Mr. President called upon Diwan Bahadur Raja Narendra Nath to speak.)

Diwan Bahadur Raja Narendra Nath : I would also like to speak later, Sir. I want to hear the other side first.

Rao Bahadur Chaudhri Chhotu Ram : In view of the disinclination of the other party to speak I beg to move—

That the question be now put.

Mr. Mukand Lal Puri : If Pandit Nanak Chand's speech shows any disinclination on our part to take part in the discussion, I do not know what would show enthusiasm on our part to contribute our humble share to the debate. We are very anxious to assist the Government by placing every possible point of view before it and the House and the public, but perhaps Chaudhri Chhotu Ram wants to stifle the discussion.

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muhammadan, Rural) (Urdu) : Sir, I shall take only a few minutes of this honourable House in giving my reasons why I have supported this Bill. I feel called upon to make my position clear as a newspaper has declared me as opposing this Bill. It has said that a zamindar member has gone out of his way to oppose this piece of legislation. What I want to point out is that at that time I supported the motion for consideration and opposed the motion for re-circulation.

Rao Bahadur Chaudhri Chhotu Ram : You had better contribute an article in that newspaper explaining your position.

Kanwar Mamraj Singh Chohan : I shall explain my position just now in a few words. I feel that the provisions incorporated in this Bill are the most effective remedy of all those evils of which the sahukars themselves complain. For instance, money-lenders have been making this propaganda that they have not been provided with adequate facilities to recover their debts. This complaint has been made from the platforms of many conferences convened by money-lending urban classes. Lala Kundan Lal, Secretary, Traders Association, declared in one of his public utterances that the real difficulty of the sahukar begins after he has taken a decree from a civil court. He knows it full well that the debtor has no means to pay his debts and yet he has to press his claim and incur the odium of the debtor and his people. But the conciliation board to be established under this Bill will solve his difficulty. The debtor will be summoned together with his creditors and the board will decide how much he should be asked to pay without seriously injuring the interests of money-lenders. The provision relating to conciliation boards is especially needed for the rural people. In cities if a debtor is unable to pay his debts and wants to be declared insolvent, his community comes to his help. As he happens to be a member of the money-lending community they have a sympathy for him. Members of the fraternity join heads and decide that he is able to pay, say, two or four annas in a rupee and the creditor has to bow before the decision of the *baradari*. But in villages no such sympathy exists between the creditor and the debtor because both belong to absolutely different classes. Hence the necessity of the conciliation boards. Many of our sahukar friends have been complaining of the murders of their brethren at the hands of debtors. The Government have provided for bringing into existence an agency which will help debtors and creditors in arriving at an amicable settlement with regard to their debts. So there will be no more murders of sahukars after this Bill comes into force as an Act.

[Kanwar Mamraj Singh Chohan.]

Then there is the provision with regard to the reduced rates of interest. This will greatly help the poor debtors and the needy zamindars. But I should like to point out that a uniform rate of anything between 10 and 18 per cent. would have been far better than a fluctuating rate. I, for one, am in favour of accepting the Government's original proposal of 18½ per cent. as against a rate which is fixed at 11 to begin with and raised to 17 after the lapse of six months and then reduced to 15 after another four months. I think such a rate will not be acceptable to either the money-lenders or the zamindar debtors. A uniform rate of interest would have been acceptable to the sahukar and the debtor alike.

Damdapat is another salutary provision in this Bill which commends itself to me. Under the present circumstances the sahukars have very little chance of recovering their debts. I shall take the instance of sahukars doing business amongst three communities in the villages, Sainis, Rajputs and Kamos. A sahukar who is doing money-lending business amongst Sainis is considered to be the most fortunate man. He can recover his principal and interest very easily and get rich very soon. But one who lends money to Rajputs is the most unhappy creature on the surface of the earth. He has big registers and account books in which are entered huge sums of money advanced by him but he is not in a position to recover those debts. All come to borrow money; nobody thinks of paying it back. But now it has been made easy for the debtors to pay their debts in accordance with the principle of *damdapat*. I hope the debtors will be able to clear their debts very soon after this rule comes into operation. They have only to realise their responsibility and pray to God that their debts be cleared and opportunities will offer themselves to them to clear their debts.

One thing more and I have done. Sahukars have said in their conferences that the zamindar owes them a debt of one arab and 72 crores of rupees and the Government is encouraging him by this legislation not to pay a farthing out of it. Our leader Rao Bahadur Chaudhri Chhotu Ram said that in order to give relief to the zamindar the sahukars must be put to a considerable loss. But I think that the provisions of this Bill will only apply when the debtor is unable to pay his debts and the debt of a person who can pay his debt, i.e., who is able to pay his debts are not touched by this Bill. So the sahukars need not worry on that score. I think there is not much advantage for the sahukars by the passage of this Bill (*Laughter*). I mean, neither the sahukar nor the debtor should think that this Bill is being passed to the exclusive detriment or advantage of the other. It has been only provided that the debtor should pay as much as he is in a position to pay and the sahukar should realise as much as it is proper for him to realise. I think we should be grateful to the Government that they have taken so much trouble to pass this salutary measure.

Much has been said against the provision abolishing civil imprisonment. All of us know that in the past when there used to be no civil imprisonment the relations of the creditors and the debtors were very cordial. If a debtor was unable to pay, the village panchayat used to arbitrate, and give a decision which was acceptable to both parties. But now the relations

of the creditors and the debtors have been embittered owing to this system of civil imprisonment. Its abolition will be to the best interests of the people of this province. On the whole this Bill will prove a blessing for our province. With these words, I support the motion that this Bill be passed.

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadan, Urban) (*Urdu*): Sir, I had no mind to participate in this discussion at this stage as many of the honourable members of the House are anxious to cut short the debate on the motion now before us. But I feel advised in view of what has been already said about this Bill to make a few observations in a few minutes. It has been said that the Bill if passed into law will benefit all the three classes that are concerned in its passage, the Government, debtors and the creditors. I have stood up to point out that the Bill is not likely to fulfil the expectations of any one class out of them. The members of our party had made it abundantly clear even when the Bill was first introduced in this House that it would neither benefit the creditor nor the debtor. It will give rise to so many conflicts in the country on the other hand. It will drive zamindars and non-zamindars, creditors and debtors into different hostile camps. One class will find itself ranged against another in this province. Nobody will remain immune from the effects of ever-increasing hostility amongst the people of this country. This, in a word, will be the effect of this legislation on the life of this province. We gave the same warning when the Bill was circulated. And this House has seen the opinion of the most enlightened section of the people about this Bill. Honourable Judges of the High Court, other learned judges and prominent members of the bar were against its passage into law. The great mass of public opinion, moreover, condemned it as a sinister attempt on the part of the Government to ruin the *sahukars* of the province. But we are sorry to see that a section of the people here is anxious to pass this Bill in the teeth of the most reasonable opposition. They do not seem to realise that the debtor is not going to benefit in the least by this legislation. On the other hand he will suffer on account of it. But they will not pay heed to our warnings until the time comes when they will realise the folly of the step they are now taking. Their condition is like that patient who in spite of all warnings insists upon having a *puri* and relishes its sweetness but is beside himself with anger at the sight of the bitter dose of medicine brought to him by the doctor. What will be more advantageous for him, the bitter dose of medicine or the sweet *puri*? He should certainly know better and take the medicine however bitter it may be in good taste because a speedy recovery will follow its taking. But the sweet, delicious *puri* is the harbinger of greater trouble and pain.

Will the honourable zamindar members give a moment's thought to my warning even at this stage? I do not think they will. If you go through this Bill clause by clause you will find that the aim before the sponsors of this Bill has been continuously this that the *sahukars'* debts should be made impossible of realisation. The institution of conciliation boards will not help the realisation of debts in the least. It is said that the debtors will be made to pay these boards as much of their debts as they are in a position to pay. But this they are doing already. What will be the special function of these conciliation boards? It is not fair that the Government and the rural members should combine to deprive the *sahukars*

[Shrimati Lekhwati Jain.]

of their money. It will not be fair. It will not be equitable. How can a justice-loving person be a party to such an affair? Only such people are willing to pay their debts as have a sense of justice and fairness. And only three classes of people can be fair-minded, those who have pure souls; those who are mindful of the public opinion and those who fear the strong hand of State law. Those who have pure souls think like this: "Since we have borrowed money it is our moral duty to pay it back. We should not displease him who extended his helping hand unto us in our time of need. Though law may allow us not to pay anything yet pay we must." But this Bill is throwing temptations in the way of such pure souls too. Who knows that people of pure souls may not be tempted to act dishonestly on account of this Bill? Very strange arguments are adduced while putting forward such strange measures. For instance, people say, "After all it is *our* money that is with the *sahukars*. We gave it to them. And they have advanced us loans out of the money taken out of our own pockets. So we are not to blame if we refuse to pay anything." But, may I ask them if *sahukars* robbed them of their money by force? Did they on their part pass any law through this Council to deprive you of your hard-earned money? If not so, why are you passing this law to rob them of the money which they advanced to you in good faith hoping that you will return it like gentlemen?

I wonder why the honourable members on the opposite benches consider it advisable to support the Bill with all its obnoxious provisions, especially when it creates fresh difficulties in the way of the *sahukars* in realising their debts. Under the existing law a defaulting debtor can be arrested and sent to civil jail. He knows that if he will not pay his debt he will be sent to jail and his children will starve. This fear of imprisonment compels him to pay up his debts. But under the provisions of the Bill neither of these remedies will be open to a creditor and consequently the debtor will feel quite safe. In that case I ask, what will make the debtor pay his debts? I therefore submit that if this Bill is passed into law the recovery of rural debts will become impossible. It has been said that conciliation boards are being established with a view to facilitating the recovery of rural debts. But when the remedies already available to a creditor will no longer be open to him, how will he be able to recover his debts? Of course the conciliation boards will grant him a decree of one thousand rupees instead of a decree of four thousand rupees without making proper arrangements for its execution. There is no provision in the Bill which makes it the duty of the conciliation board to see that the decrees granted by it are properly executed. It is, therefore, obvious that the Bill, if it is passed into law, will never facilitate the recovery of rural debts. In fact it intends to wipe off the slate all existing debts of the zamindars. I would appeal to the good sense of the members of the Unionist Party and request them to throw out this Bill. I also ask their leader if this is the same Bill about which he was once pleased to remark that it was only a toy to play with. No, it remains no longer a Bill, but it has become a *billa* (he-cat).

✓ **Rao Bahadur Chaudhri Chhotu Ram** : No, it is now a *billi* (she-cat).

Shrimati Lekhwati Jain : Well, Sir, I make bold to say that the Bill will not achieve its object in so far as it aims at crushing a particular class

of people. This Bill or similar measures can never crush people who are intelligent. For God's sake do not be a party to a measure of this kind. I know full well that you have a majority in this House and on the assumption that all money in the possession of the *sahukars* is in fact yours, you can make law even to the effect that whosoever demands payment of his debt from an agriculturist debtor or whosoever refuses to advance loan to an agriculturist when asked to do so, shall be punished with imprisonment. But this is against all canons of justice. If you really want to help the zamindar debtors, try to cultivate in them frugal habits, tell them to live within their means and impress upon them the evil consequences of squandering money wastefully on marriages and in the entertainment of guests. If you do that, surely you will achieve your object. The Bill by itself will not in the least improve the situation. If you pass this Bill into law the question arises wherefrom the zamindars will have money to meet their requirements. They borrow money from *sahukars* to defray the expenses of elections. If they will not be able to borrow from them, they will be face to face with serious difficulties. Sir, I am not at all speaking against the debtor class. I can even sacrifice my life for them if there is an occasion for it. But at present I am simply condemning a measure which, though intended to benefit the zamindars, would in fact thoroughly shatter the rural credit and land the zamindars in serious troubles. I therefore strongly condemn this iniquitous measure and urge upon the House the desirability of throwing it out. But who pays heed to it? It is the case of

تھے سیرتہا ہی تھے سیر کھاجا

I warn the Government members as well as the members of the Unionist Party against the evil consequences that this Bill is sure to produce. Why not treat *sahukars* as your brethren? They are your friends in need. When you are dealing with a particular class of your countrymen you should display the spirit of Rana Partap who wandered through jungles but did not act against his conscience. When the Bill was circulated for eliciting opinion thereon it was said that there was no use in circulating it for the *sahukars* and their friends will oppose it and the zamindar debtors and their well-wishers will express their opinion in its favour. But what about the opinions expressed by English officers like the District Judge, Ambala, who condemned this measure as thoroughly iniquitous and injurious to the interests of both the *sahukars* and debtors? Did these officers express their opinions under any influence of the *sahukars* or the debtors? No, they expressed their opinions quite independently and as such their opinions ought to have carried sufficient weight, but these have in fact been ignored. Various amendments were proposed to improve the Bill but unfortunately they were rejected. Even the amendment proposed by Mr. Puri that an appeal shall lie from the order of the board granting the certificate to the debtor to the deputy commissioner, was rejected on the ground that the *sahukars* will somehow or other try to bribe him to achieve their object. If you have no confidence in the deputy commissioner, how can you have confidence in the members of the board? If the deputy commissioner can be bribed, do you think that the members of the board cannot be bribed? This is a vast subject which cannot be finished even within fifteen days. Briefly speaking, I do realise that what I am submitting is falling on deaf

[Shrimati Lekhwati Jain.]

ears but I consider it my duty to voice my feelings on the subject. Of course my observations are bitter, but a bitter pill has always a wholesome effect on malady which increases if sweets are provided to the patient. You have already enacted laws for improving the condition of the debtors. You have quite recently passed the Regulation of Accounts Act. Have these enactments removed the rural indebtedness? If so, to what extent? I do not think that these enactments have done any good to the debtors. This Bill will also do no good to them. I therefore appeal to the zamindar members to show their *kshatriya* spirit and throw out this Bill. Besides, it is the clear duty of the Government to refrain from being party to the passage of an iniquitous measure like the one now before the House. If to-day they side with the zamindar members in passing this Bill into law, the latter may to-morrow bring in another similar measure which might render the position of Government awkward. For God's sake do not disgrace the fair name of this House. With these words I most strongly condemn this Bill and request the House to reject it.

Chaudhri Ram Sarup (North-West Rohtak, non-Muhammadan, Rural) (*Punjab*): Sir, before I proceed to refute the arguments advanced by the honourable lady member of the House I would like to observe that some years back when the system of holding district tournaments was in vogue, the athletes who stood first, second and third in a race used to get prizes and those who could not win such prizes were made to compete for consolation prizes. Similarly the learned members of the House have already made their mark and we the defeated ones are now trying to run the race. (*Laughter*). The honourable lady member has been pleased to remark that if this Bill is passed into law the recovery of rural debts will become impossible. So far as I have been able to read and understand the clauses of the Bill I do not find a single clause which really stands in the way of *sahukars* recovering their debts. On the other hand the clauses which in the opinion of the honourable members opposite, are obnoxious and detrimental to the best interests of the *sahukars* are likely to go a long way in helping them to realise their debts. Is it not reasonable that a person who is groaning under an unbearable burden involving risk of life should be relieved of some burden in order to enable him to live? (*Interruption*). The honourable lady member and some other honourable members have made much of the point that under the existing law a defaulting debtor can be arrested and can also be committed to civil jail, but under the provisions of this Bill even these remedies will not be available to creditors. It is true that one can pay up his debts by earning money. But if he is in jail how can he possibly earn money to pay up his debts? (*Hear, hear*). Whether the debtor is an honest person or he is a dishonest person his commitment to jail will not help the *sahukars*. In the last session of the Council held in Simla the honourable lady member in her speech was pleased to dwell upon the ruinous effects of polygamy. So far as the Hindu society is concerned I am sure polygamy is being practised by only big *sahukars* who though already married can well afford to pay up a handsome consideration for taking another girl in marriage. If you enquire into the causes of elopement of such girls you will find that in almost all cases some aged *sahukar* married a young girl who in the lifetime of her

husband or after his death eloped with some Muhammadan and thus brought disgrace to the whole community. I say if these people are not allowed to amass wealth by charging exorbitant rates of interest they will not be able to contract such unnatural marriages.

Lala Bhagat Ram : Is the honourable member speaking to the Bill ?

Chaudhri Ram Sarup : If you want me to close my remarks, I do so after submitting that I strongly support the Bill.

Mr. Mukand Lal Puri (Punjab Industries) : Sir, the Leader of the House has asked me to speak a few words and I will not refuse his request. I do not wish to dilate on the obnoxious provisions of the Bill, which were discussed in detail when the various clauses were before the House, but I just wish to raise one or two matters which have been passed over by this Council in sheer thoughtlessness. Amendment of section 60 of the Civil Procedure Code was not put before the House by the Government originally and the other day without any discussion it was passed. The effect of the amendment is that houses belonging to members of agricultural tribes, although situated in towns are made exempt from attachment and sale. It is the declared policy of the Government, so far as one has been able to understand it, not to extend the principle of the Land Alienation Act. The principle of the Land Alienation Act is that the agricultural land of a member of an agricultural tribe shall not be attached or sold in execution of a decree. The amendment of section 60 makes their houses also not liable to attachment and sale. That necessarily follows from the omission of the word "occupied by" and its substitution by the words "not let out on hire." This provision also extends to houses of agriculturists which are situated in towns, and the effect of this amendment is that while agricultural land of a member of a statutory agricultural tribe which is situated in the town of Lahore, that is within the municipality of Lahore, is not exempt from attachment and sale, his houses, provided they are not let out on hire, would be exempt from attachment and sale. I submit that this is the effect of the omission of the words "occupied by" which as interpreted by various High Courts were intended to be confined only to cases where the houses were houses used as subservient to agriculture. Once those words "occupied by" are omitted and the words "not let out on hire" are substituted, the effect is to exempt from attachment and sale every house owned by a member of an agricultural tribe which may be situated in any part of the Punjab, provided it is not let out on hire. It is not at all stated as to how long it should not be let out on hire. As soon as the decree is passed the owner can get his house vacated and then at the time of attachment, it will become "not let out on hire." Most of the big zamindars have a number of houses in villages. They have houses and bungalows in tahsil headquarters, in sadar headquarters and houses in Simla and Lahore. These houses are not usually let out on hire. As far as the houses in villages are concerned, the House will bear me out when I assert that there is no letting value of the houses in villages and in fact in some cases *kamins* have to be procured and induced to come and live in the houses so that the houses may not fall down on account of leak or repairs or for want of proper use. Section 60 of the Civil Procedure Code

[Mr. Mukand Lal Puri.]

was enacted for indigent debtors. The effect of this amendment will be to enable rich debtors who own several houses to evade successfully the payment of their just debts, their land being already exempt from attachment and sale under the provisions of the Land Alienation Act. This House has

6 P. M.

thoughtlessly omitted, I repeat, the words "occupied by" and substituted the words "not let out on rent" in the section, the effect of which is, as I have stated, that the houses of the agriculturist gentlemen in the town of Lahore, provided they are not let out on hire, are also exempted. Without discussing the merits of this amendment, I would submit that it is a serious extension of the principle of the Land Alienation Act and such a clause, in view of the oft declared policy of the Government, should not have been passed. This is again one of those provisions of the Bill, which were not circulated for public opinion. This clause was not sent to the honourable judges and other judges and officers for opinion. Otherwise they would have, I believe, pointed out the serious consequences of the clause to the Government. I wanted to bring this and other matters in connection with this clause to the notice of the House the other day. I had also given notice of deletion of this clause. I was just a bit too late only perhaps a minute. I had my copy of the Civil Procedure Code in my car outside and I had just gone to bring it when you, Sir, put the amendment to the House without discussion. This is one of the proposals which was not in the original Bill, which was not discussed when the Bill was in the select committee and it could not at all be the subject of discussion in the House, when the Bill was referred to the select committee. It is one of the proposals which was put before the select committee also on the last day of its sitting without any previous intimation to other members. Therefore, it could not be considered in detail and it has passed through the House even without any discussion. Such an important proposal should have been explained to the House by the member in charge of the Bill or by Chaudhri Chhotu Ram who is responsible for this clause.

Again another matter to which sufficient attention has not been given is the amendment which makes the creditor subject to severe liability for what the debtor has done. If a debtor has passed a promissory note for Rs. 600 and has only received Rs. 500, the person who makes the false document is the debtor. He writes the promissory note for Rs. 600 while he has received only Rs. 500. On whom is the liability now laid? The liability is not laid on the debtor, on the person who has forged the document if it is a forgery, on the person who has made the false document but this House agreed to put the liability on the person who receives the document. The document itself may have been sent to the creditor from another station, say from Lahore to Gujranwala or any other place. If you want to penalise such practices, make it equally bad both for debtor and creditor. The honourable member, Mian Nurullah, who put in an amendment, was prepared to accept that point of view, but it was not acceptable to the leader of his party and, therefore, the matter was dropped. By this one provision alone you are making the system of credit in this province absolutely impossible. Suppose a debtor borrows Rs. 1,000 and passes a promissory note and a suit is brought. The whole suit will be held up by a false plea that

the pro-note was executed for smaller consideration than is shown in the pro-note. The debtor runs no risk by proving his own misconduct and if he succeeds, the entire claim of the creditor has to be dismissed. If it is desirable to impose penalties, both the creditor and the debtor should be penalised, but here the penalty is enforced on the creditor alone who is punished for what is principally the offence of the debtor. (*Mian Narullah*: May I ask the honourable member if he has read my amendment?) I understand that criminal liability is not sought to be placed but the penalty which is imposed is out of all proportion to what is really a delinquency on the part of the debtor himself. The liability is placed on the creditor for the fault of the debtor and it is out of all proportion to the offence of which the creditor may be said to be guilty. It is really the debtor who has passed the document who should be made to suffer, but no penalty is imposed on him.

If the entire Bill is taken into consideration I submit that its effect will be to make it impossible for any creditor to realise his money either from a member of an agriculturist class or from those who do not belong to that class. How does a creditor realise his debt from a debtor who is unwilling to pay? There is only one method, and that is by the attachment of the debtor's property or by attachment of his person. The latter is popularly known as arrest of the judgment debtor and this has been abolished by the present Bill. (*Interruption*). My learned friend says, not in the case of urban classes. This shows the knowledge of honourable members of the House as to what they have passed by their votes. I will ask him and others to read the Bill. Attachment of the person of a debtor in execution of a civil decree has been abolished altogether in this province for all judgment debts. One of the reasons why a debtor would not refuse to pay his debts when due was that he stood in danger of the attachment of his person. That is now gone. The second method is the attachment of the debtor's property. Property may be movable or immovable. With respect to movables, it is the easiest thing in the world to conceal them from the creditor. A debtor may be possessed of movable property worth thousands. But as soon as you get a decree against him, you will find that beyond a few utensils, a few pieces of furniture, a few wearing apparel there will be hardly anything visible in his house. Movable property as it is the experience of courts—I think the learned Legal Remembrancer will be able to throw some light on the point—is never available for the creditor unless the debtor himself makes it available. It is the fear of arrest that makes him do so. The movable property is, therefore, now not available. With respect to immovable property the law of this province makes it impossible for a creditor to realise it. Let us not consider the case of a person who is governed by custom, but let us consider the case of a Hindu, governed by Hindu law, and residing in the town of Lahore. As soon as the attachment is made, a suit will be filed by his son and possibly his brothers and nephews that the house belongs to a joint Hindu family and it is not liable to attachment or sale in execution of decree against the judgment debtor. That suit cannot be dismissed straightaway simply because the world knows that the house is the debtor's or that it has been so described in the deed. The matter has to be tried like any other matter, summons must be issued, issues framed, evidence led in and ultimately after two years it may be decided that the house is liable to attachment. If it is decided to the contrary, the decree-holder will possibly

[Mr. Mukand Lal Puri.]

have to file an appeal which will take another two years, otherwise the judgment debtor will take it to an appellate court and have an injunction issued staying the execution of the decree. As soon as this litigation closes another suit is usually filed by the wife of the debtor, perhaps also by his daughter-in-law and by his mother claiming that the house is not liable to attachment and sale as they have got right of residence and maintenance in the house. That litigation will take another two or four years and when that ends, the debtor has only got to make a gift, let us assume by a registered deed, of his property in favour of his son. That gift cannot be set aside except again by a regular suit. The decree-holder will have to file a suit for a declaration that the transfer, i.e., gift is void on account of its being fraudulent and being intended to defraud creditors. This suit again has to be tried and it takes its own time. These are all collusive suits designed to defeat and delay the decree. Now, what is it that prevents dishonest debtors from not resorting very frequently to these tactics? It is because the courts can say to the debtor: You are playing dodges with your creditor; you are putting up your son, your mother, your daughter-in-law and so on; you have made a gift of all your property in favour of your son or wife. The court will attach your person and will arrest you. And this salutary provision has been abolished in this province. This liability to arrest is ultimately a great sanction for realisation of decrees. When you have abolished this, there is no use of the provisions relating to conciliation boards and the entirely unnecessary provisions relating to insolvency jurisdiction, with entirely useless controversy as to their jurisdiction whether it should be Rs 2,000 or Rs. 1,500. No one knows more than Chaudhri Chhotu Ram that if this clause which was not in the original Bill but which has been smuggled into the present Bill is accepted by the House and the Government, other provisions become of comparatively less importance. If the Punjab Government accept this clause, it would mean that the Punjab Government has decided to abolish all provisions for the realisation of debts. I say, therefore, with a full sense of responsibility that if this provision stands no person in the Punjab will be able to realise his debt from any of his debtors whether agriculturist or non-agriculturist. Another point to which I wish to draw the attention of the House is that agriculturist creditors are under the Bill in a much better position. We have been told and repeatedly, that the agriculturists do not want the present system of credit to continue, and they want the existing facilities for credit abolished. Therefore, some of them boldly assert that they are out to destroy the present method of financing agriculture. That argument is, however, fallacious. Because while you are restricting the credit of agriculturists with one class of creditors, you have done nothing under this Act to restrict their credit with another class of creditors. The Land Alienation Act permits the sale of the land of a member of an agricultural tribe in favour of another member of an agricultural tribe without any restriction. The Land Alienation Act permits the raising of money by an agriculturist debtor by the simple mortgage of his land in favour of another member of an agricultural tribe and in a suit on that mortgage the land can be sold. (*Honourable members*: No.) Whether it can or cannot be sold, the credit of a member of an agriculturist tribe as far as creditors of agricultural tribes are concerned is not restricted.

at all. There is no provision in this Bill which even in the slightest degree restricts the credit which he enjoys with the members of the agriculturist classes. Therefore, when you restrict his credit with non-agriculturist, he will be thrown more and more in the clutches of the agriculturist creditor. The effect will be that the agriculturist cannot do without borrowing money and instead of borrowing money without security he will be compelled to take money by selling his land of course at very much cheaper rates. This exploitation of the Punjab peasantry by bigger zamindars like Chaudhri Chhotu Ram and other members of this House is not at all displeasing to Chaudhri Chhotu Ram. Similarly, the agriculturist debtor will be able to mortgage his land, not only in the usufructuary form, the only form permissible under the Land Alienation Act, but on a simple mortgage with a member of an agricultural tribe. The effect of this measure will be the entire extinction of the present system of financing agriculture by non-agriculturists and their substitution by the agriculturist money-lender. This is a very serious matter as it deprives one class of an occupation and profession and gives facilities to the other, without affording any relief to the agriculturist classes. In fact, it makes them put permanently with their assets in land at very low prices. I wish to close my speech by asserting my firm conviction that the system of credit and finance in this province will be entirely destroyed if the provisions of this Bill are given effect to in their entirety.

Mr. E. Mayadas (Non-official, nominated): Sir, I support this Bill. My one regret, however, is that here was an opportunity for the representatives of the agricultural classes and the representatives of the great money-lending classes to cultivate goodwill. This opportunity has been more or less wasted. In fact, I think it might be said that they have drifted away from each other. I would have liked to have seen something more tangible done to the benefit of the small agriculturist. It is true he has been protected from the money-lender, but I think hardly anything has been done to protect him from the agriculturist money-lender. (*An honourable member*: There is no distinction between money-lender and money-lender here). I think the result will be that small fish will be swallowed by the big fish.

I would have liked to have seen some limit on the big agriculturist acquiring land, I mean that a maximum limit might have been placed on holdings. I regret that no voice has been raised from the side of those who need no protection. That protection need not have been given to them. I am trying to think what will happen fifty years hence or earlier when hardly any small land-holders will be left. What will happen then? There will be a great agitation and a reaction and I fear that the big agriculturists will suffer very much at the hands of the small agriculturists whose lands will have been taken away from them.

I regret that I do not find any suggestion made about teaching people to live within their means and not to resort to the money-lender. (*An Honourable member*: Bring in a Bill; it will be very effective). I regret that no suggestion has been made whereby the money-lender might have been induced to divert his capital and invest it for cottage industries which would have benefited both the agriculturists and the money-lenders. After

[Mr. E. Mayadas.]

having heard all arguments I feel that the best course would have been to have passed a law where interest should cease until conditions improve.

I feel that the money-lenders should have been given an opportunity to set up enquiry committees in each district.

Mr. C. C. Garbett : On a point of order, Sir. Is it in order that we should be addressed on what is not in the Bill?

Mr. President : No.

An Honourable Member : He is supplying material for some future legislation.

Mr. E. Mayadas : The money-lenders might have been given the opportunity to set up enquiry committees in every district to examine complaints of agriculturists, and the agriculturists would have gone and told them how this money-lender or that money-lender was falsifying his account. In the same way the agriculturists may have been given the opportunity to set up enquiry committees in every district to examine the complaints of money-lenders. Money-lenders could have told them that so and so is able to pay, but was evading payment, and under pressure from the money-lenders and the agriculturists these enquiry committees would have done useful work. I can hear an objection being raised and it might be said that we cannot find such impartial men either amongst money-lenders or amongst the agriculturists. If so, how will you find, I ask, the impartial men for the conciliation boards? If impartial men can be found for the conciliation boards, surely they can be found for these committees also. In future we have to live in this land and our paths are bound to cross and when our paths cross, will we meet as friends or will we meet as foes?

Rai Sahib Lala Labh Chand Mehra (Non-official, nominated) (*Urdu*) : Sir, I shall take only half a minute. This Bill, if passed into law, will irreparably impair the trade of this province. I do not propose to make a speech as I know that the supporters of this Bill are sure that a majority of votes in this House are at their back and so they are not likely to listen to reason. We feel that in their heart of hearts they know everything, but in spite of all this they insist on placing the Bill on the statute book. I shall, therefore, say nothing more but resume my seat with this verse—

سوئے کو تو مشفق ہے سہل جگانا
کون اس کو جگانے جو کوئے مکنس بہانا

(*Cheers*).

Mr. President : The question is—

That the Punjab Relief of Indebtedness Bill be passed.

The motion was carried.

The Council then adjourned till 2 P. M. on Monday, 17th December 1934.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Monday, 17th December 1934.

The Council met at the Council Chamber at 1-15 P. M. of the clock. Mr. President in the chair.

OATH OF OFFICE.

The following members were sworn in :—

Mr. F. H. Puckle (Officer on Special Duty).

Mr. R. Sanderson (Director of Public Instruction).

STARRED QUESTIONS AND ANSWERS.

HEAD OF Dek NULLAH.

***3977. Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member be pleased to state whether it is a fact that a Head is proposed to be constructed somewhere above the town of Zafarwal in the Sialkot district for the storage of water of the Dek Nullah ; if so, whether the proposal to construct this Head has matured and when it is intended to start its construction ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : There is no such proposal before Government.

DILUVIATION OF LAND BY JUMNA RIVER IN KARNAL DISTRICT.

***3978. Chaudhri Nathwa Singh :** Will the Honourable Revenue Member be pleased to state—

- (a) how much land has been diluviated by the Jumna from the land of Nagla, Dhansauli, Karar and Barana villages of tahsil Panipat, district Karnal, in each of the last five years ;
- (b) whether Government has considered any scheme of allotting squares of land in compensation to the owners of these villages in canal-irrigated areas ;
- (c) whether Government has ever allotted squares to any person of the Karnal district in similar cases ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : It is regretted that the reply to this question is not yet ready. It will be communicated to the honourable member, when ready.

ALIENATION OF LAND TO NON-AGRICULTURISTS.

***3979. Chaudhri Ram Sarup :** Will the Honourable Revenue Member be pleased to state—

- (a) how much land has been alienated by statutory agriculturists to non-agriculturists by way of sale or gift with the sanction of the Deputy Commissioners under section 3 of the Punjab Alienation of Land Act in each of the districts of Ambala division for each of the last five years ;
- (b) the purposes for which the alienations have been made ;
- (c) whether the provisions of Standing Order 1, paragraph 25, have been complied with in each case in sanctioning such alienations ;
- (d) whether all persons having right of pre-emption have been consulted before the granting of such sanctions ;
- (e) the standing instructions of the Government in this respect ;
- (f) whether Government intends to take any measure to protect the agriculturists and the pre-emptors so affected ; if so, what ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) to (d) It is regretted that the information is not readily available and that its collection would involve an expenditure that would not be in the public interest.

(e) The only instructions issued in this regard are those contained in the proviso at the end of paragraph 37 of the Land Administration Manual.

(f) The Financial Commissioner, Revenue, is examining the matter.

FRAUDULENT DEVICES BY MONEY-LENDERS.

✓ ***3980. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Finance Member kindly state, after enquiry, if necessary :—

- (a) whether it is a fact that money-lenders in the Rohtak and Karnal districts are resorting to fraudulent device under which one money-lender secures, on the basis of private award or otherwise, a collusive decree against another money-lender, secures an order of attachment in respect of the debts owed to the latter by other debtors and then applies for the execution of this collusive decree against these debtors by means of attachment and sale of their property on the ground that the debts owed by them to the collusive judgment-debtor have been attached ;
- (b) if the answer to (a) is in the affirmative, whether Government considers such a device legal ;
- (c) whether it is a fact that this device has been countenanced by courts, and, if so, in how many cases during the last twelve months ;
- (d) whether, in view of the fact that this device deprives the State of revenue and debtors of any opportunity of contesting the claims of their creditors, Government intends to stop this practice at once ?

The Honourable Mr. D. J. Boyd : (a) No such case has come to the notice of the district officials of either district.

(b) (c) and (d) Do not arise.

SUBORDINATES IN IRRIGATION BRANCH.

***3981. Sardar Jawahar Singh Dhillon :** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that there are certain subordinates in the Irrigation Branch, who have been serving regularly for a period of fifteen years or more and are still borne on the temporary list ;
- (b) whether it is a fact that those subordinates have, in spite of approved service of such a long period, not yet been confirmed in the permanent cadre ;
- (c) whether it is a fact that freshers from Rasul College have been engaged on permanent posts to the exclusion of the rights of the existing members of the category mentioned in question (a) ;
- (d) whether it is a fact that the qualifications then available at Rasul coupled with the experience of such old employees merit for them a treatment equal, if not preferential, to the freshers from the college ;
- (e) whether it is a fact that the discrimination has given rise to insecurity of services among the temporary employees and a means of heart-burning for them ;
- (f) if the answers to (a)—(e) be in the affirmative, whether the Government is prepared to redress the grievances of those old employees by confirming them in the permanent cadre of the department ; if not, what provision Government is prepared to make for them which might give them a reasonable security for employment ?

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

(b) Yes.

(c) Freshers from Rasul have been engaged but the claims of temporary men receive full consideration.

(d) No.

(e) Temporary men cannot claim permanent employment as a right but steps have already been taken to ensure that the best of the temporary men are not discharged while permanent posts remain to be filled and to confirm them in permanent rank as soon as opportunity offers.

(f) Does not arise.

COTTON CROP IN VILLAGE SHAHZADA.

***3982. Sardar Jawahar Singh Dhillon :** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that the village Shazada, tahsil and district Lahore, was visited by *tela* pest which spoiled the cotton crop ;
- (b) whether it is a fact that scarcity of rain and canal water has, at the same time, affected the cotton crop adversely ;
- (c) whether it is a fact that the yield of the lands mentioned in (a) has greatly deteriorated in quantity ;
- (d) whether it is a fact that the yield has consequently fallen much below the average of the last year ;
- (e) if the answers to (a) to (d) be in the affirmative, whether Government has decided to grant remission in the *abiana* and land revenue of the lands mentioned in (a) ; if so, to what extent ?

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

(b) Yes.

(c) No.

(d) No.

(e) Does not arise.

FISHERIES REVENUE.

***3983. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Agriculture please state—

- (a) the amount of fisheries revenue before the creation of Fisheries Department and the number of districts from which it was realized ;
- (b) the increase in fisheries revenue from the districts under lease since 1912 ;
- (c) the increase in fisheries revenue in the districts under licenses since the inception of License Rules ;
- (d) whether fish have increased or decreased in the rivers since the creation of Fisheries Department, giving reasons thereof ;
- (e) what steps are taken to increase the number of fish ; if none, what is the justification of the present Fisheries staff ;
- (f) whether the present Fisheries staff possess enough qualifications to carry on scientific work which the Department is supposed to do ; if not, what steps are being taken to improve the existing conditions ;
- (g) whether it is a fact that soon after the retirement of Mr. Donald, late Warden of Fisheries, Punjab, increments of more than half of the out-door staff were withheld ?

The Honourable Sardar Sir Jogendra Singh : (a) The Fisheries Department came into existence in 1912. The Fisheries revenue derived from the 14 districts in 1911-12 was Rs. 9,250.

(b) The increase in Fisheries revenue from the eight districts under lease, i.e., in which individual licenses are not issued, was Rs. 16,354 during the year 1933-34.

(c) In the year 1933-34 there were 17 districts in which fishing licenses rules were in force and the revenue from these districts during that period was Rs. 22,547. The increase in revenue since the inception of the Licensing Rules was Rs. 14,948.

(d) No statistics are available to show whether the fish have increased or decreased.

(e) The following steps are taken to increase the number of fish :—

(i) Conservation of the stock in the rivers and streams by prohibiting the use of uneconomic methods of fishing.

(ii) Protection of fry, young fish, etc., in the natural spawning grounds.

(iii) Enforcement of a close season during the time of spawning.

(iv) Stocking of streams in Kangra, Kulu, and other hill tracts with trout.

(v) Construction of fish ladders at the weirs at Canal Headworks to enable the migratory species to reach their natural spawning grounds for breeding.

(vi) Observations are being made on the breeding habits of important indigenous species of carp at the Chhenawan Experimental tanks; and their life history is being worked out by the Fisheries Research Officer.

(f) The outdoor Fisheries staff are not required to do scientific research work.

(g) No.

USE OF MOTOR LORRIES BY POLICE OFFICIALS.

***3984. Chaudhri Allah Dad Khan :** Will the Honourable Finance Member be pleased to state—

(a) whether Government is aware of the fact that the Sub-Inspectors of Police and their subordinate staff stationed at *thanas* Narowal and Zafarwal, in the Sialkot district, make use of motor lorries plying there for hire for official and especially private purpose and make no payment of hire due from them;

(b) if the answer to (a) be in the affirmative, what steps Government proposes to take to make the above police officials pay for the use of motor lorries and to save the public from the inconvenience caused to them by over-loading?

The Honourable Mr. D. J. Boyd : (a) No complaints to this effect have reached Government or the district officers.

(b) Does not arise.

IRREGULARITIES BY DRIVERS OF MOTOR LORRIES.

***3985. Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member be pleased to state whether it is a fact that many irregularities in respect of over-loading, etc., are committed by the drivers of motor lorries plying for hire in the Punjab ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Yes. I regret that the world is not yet perfect in this as in many other respects. There has, however, been *considerable improvement in the past 2 or 3 years.

IRREGULARITIES BY DRIVERS OF MOTOR LORRIES IN
SILAKOT DISTRICT.

***3986. Chaudhri Allah Dad Khan :** With reference to the answer to part (d) of question No. 3933¹, asked on the 16th November 1934, will the Honourable Revenue Member be pleased to state whether the officers in charge of the police *thanas* at Zafarwal and Narowal (district Sialkot) have made any permanent arrangements to put a police constable or head constable on duty to tour on the Narowal-Zafarwal and Zafarwal-Sialkot roads as also at the lorry *addas* of these towns to check the irregularities of over-loading, etc. ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : A head constable or a constable is regularly deputed to check lorry traffic on these roads.

SYPHILIS AND GONORRHOEA.

***3987. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Education be pleased to state —

- (a) how many patients of syphilis and gonorrhoea visited the Mayo Hospital, Lahore, last year ;
- (b) whether the attention of the Government has been drawn to the fact that these diseases are increasing every day ;
- (c) whether Government has been pleased to enquire into the causes of the increase of these diseases ;
- (d) whether the attention of Government has been drawn to an article on the subject published in the *Insaf* of Ambala, dated the 26th November, 1934, on page 8 ;
- (e) whether there is any law at present to compel prostitutes to get themselves medically examined ;
- (f) if so, what ;
- (g) if not, whether Government intends to make any legislation in this matter ;
- (h) what steps Government intends to take to protect the public from these diseases ?

The Honourable Malik Sir Firoz Khan Noon : (a) 1,671 cases of syphilis and 1,404 cases of gonorrhoea were treated in the Mayo Hospital, Lahore, during the last year.

(b). No.

(c) Does not arise.

(d) No.

(e) No.

(f) Does not arise.

(g) and (h) The problem is not a new one, nor is its seriousness known to be on the increase, but the Government will be glad to consider any suggestion.

TAHSILDARS AND NAIB-TAHSILDARS BELONGING TO
SIMLA DISTRICT.

***3988. Kanwar Mamraj Singh Chohan :** Will the Honourable Revenue Member be pleased to state—

(a) how many tahsildars and naib-tahsildars there are in the Punjab belonging to Simla district ;

(b) how many of them are statutory agriculturists ;

(c) how many of those referred to in (a) or (b) belong to Kot Khai and Simla tahsils ;

(d) whether Government intends to consider the claims of deserving candidates of Simla tahsils in the next recruitment to these cadres ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) and (b) Four ; all statutory agriculturists.

(c) Two belong to the Kot Khai tahsil and two to the Simla Hill States.

(d) No special action is deemed to be necessary.

TAHSILDAR CANDIDATES FROM HINDU RAJPUTS OF
AMBALA DIVISION.

***3989. Kanwar Mamraj Singh Chohan :** Will the Honourable Revenue Member be pleased to state —

(a) how many Hindu Rajputs of Ambala division there are in the service of the Punjab Government as tahsildars and naib-tahsildars ;

(b) how many tahsildar candidates have been accepted directly from the Hindu Rajputs of Ambala division in the last 10 years ;

(c) what steps Government intends to take to encourage this backward community in respect of employment in the above mentioned cadres ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Five.

(b) One.

(c) The attention of the honourable member is drawn to the reply given to part (a) of Council question No. 84471.

SIKHS AND "EDUCATIONAL GAZETTE," JULLUNDUR.

***3990. Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Finance Member be pleased to state —

- (a) whether an article published in the *Educational Gazette*, Jullundur City, in its issue of November 1934, under the heading "Zila Jullundur ki Tarikh" by F. M. Aziz of Islamia College, Lahore, has been brought to his notice;
- (b) whether he is aware that this article has seriously wounded the feelings of the Sikh community and has insulted the religious belief of the Sikhs;
- (c) whether it is a fact that a deputation of the Sikhs of Jullundur district waited upon the Deputy Commissioner, Jullundur, to request him to take action against the author, publisher and editor and others concerned with it;
- (d) what action the Government has taken or proposes to take in this matter?

The Honourable Mr. D. J. Boyd : (a), (b) and (c) Yes.

(d) The printer-publisher has tendered an unqualified apology which has received sufficient publicity in newspapers.

BOTANY DEPARTMENT, GOVERNMENT COLLEGE, LAHORE.

***3991. Chaudhri Allah Dad Khan :** Will the Honourable Minister for Education be pleased to state —

- (a) whether it is a fact that at present there is no Muslim on the teaching staff of any of the departments of the different sciences in the Government College, Lahore;
- (b) whether Muslims with fine records in the Government College, Lahore, and the University of the Punjab, possessing Doctor's degree in Botany from British Universities and teaching experience also—qualifications actually unbeatable—are available and are candidates for any vacancy that may occur in the Government College, Lahore;
- (c) If the answers to (a) and (b) above are in the affirmative, whether Government will consider the case of Muslims in filling any vacancy that occurs in the Government College, Lahore, in consequence of the death of late Rai Bahadur Dr. Shiv Ram Kashyap, Professor of Botany, Government College, Lahore?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) and (c) The claims and applications of all candidates will be duly considered.

MUNICIPAL COMMITTEE, LUDHIANA.

***3992. Chaudhri Riasat Ali :** Will the Honourable Minister for Local Self-Government kindly :

(i) lay on the table the following —

(a) letter No. 8211, dated the 3rd November 1934, from the Deputy Commissioner, Ludhiana, to the Executive Officer, Municipal Committee, Ludhiana ;

(b) letter No. 8869, dated the 13th November 1934 from the Deputy Commissioner, Ludhiana, to the Executive Officer, Municipal Committee, Ludhiana ;

(c) letter No. 661/E.-D., dated the 22nd November 1934, from the Executive Officer, Municipal Committee, Ludhiana, to the Deputy Commissioner, Ludhiana ;

(ii) state whether the permit given to the said nominated member by these letters was according to the rules and how many permits have been issued since this permit was bestowed ; if none, why not ?

The Honourable Dr. Gokul Chand Narang : (i) (a), (b) and (c) Copies of the letters are laid on the table.

(ii) The permit given to the appointed member was found to be illegal. No such permits were therefore issued afterwards.

Copy of a letter No. 8211, dated 3rd of November 1934, from the Deputy Commissioner, Ludhiana, to the Executive Officer, Municipal Committee, Ludhiana.

I have the honour to request you please to submit by an early date, the municipal office file relating to the building application of Khan Sahib Dr. Nur Muhammad, Ludhiana, for the grant of permission to construct a projection in front of his shop in Chaura Bazar near the Tahsil.

Copy of a letter No. 8869, dated 13th of November 1934, from the Deputy Commissioner, Ludhiana, to the Executive Officer, Municipal Committee, Ludhiana.

SUBJECT :—*Building application of Khan Sahib Dr. Nur Muhammad for the grant of permission to construct a projection in front of his shops in Chaura Bazar, Ludhiana.*

I have the honour to return herewith the municipal office file received with your letter No. 624/E. D., dated the 9th of November 1934, and to ask you please to explain the circumstances under which you did not accord sanction in this particular case, when you were competent to do so under the Executive Officer Act without a reference to the Committee.

I also ask you please to give the requisite sanction, if you see no objection to it, in view of your own opinion and the reports of the Municipal Medical Officer of Health and the Electricity Department.

Please treat this as urgent.

[The Hon'ble Dr. Gokul Chand Narang.]

Copy of a letter No. 661-E. D., dated 22nd November 1934, from the Executive Officer, Municipal Committee, Ludhiana, to the Deputy Commissioner, Ludhiana.

SUBJECT:—*Building application of Khan Sahib Dr. Nur Muhammad for the grant of permission to construct a projection in front of his shops in Chaura Bazar, Ludhiana.*

With reference to your letter No. 8369, dated 13th November 1934, I have the honour to state that as ordered I have issued the permit in this case, and am laying it before the Committee for formal approval.

My interpretation of clause 12 of schedule 2nd of the Executive Officer Act is that permission for a projection without first obtaining the approval of the Committee cannot be granted. However, if after perusal of proviso to clause 12 of Schedule 2nd of the Executive Officer Act, you are of opinion that I am competent to accord sanction without the approval of the Committee, I will act according to your decision.

This is not the particular case that has been sent to the Committee for approval but all such cases are first laid before the Committee for approval and then permits are issued.

MUNICIPAL COMMITTEE, LUDHIANA.

***3993. Chaudhri Riasat Ali :** Will the Honourable Minister for Local Self-Government kindly :

(a) lay on the table the following :—

- (i) complaint of Khawaja Muhammad Akram, Municipal Commissioner, addressed to the Executive Officer, Municipal Committee, Ludhiana, dated 27th November 1934, against Dr. Noor Muhammad, nominated Municipal Commissioner, Ludhiana Municipal Committee, regarding the violation of laws and letter, dated 28th November 1934, regarding the above complaint from Khawaja Muhammad Akram to the Deputy Commissioner, Ludhiana ;
- (ii) report of the Overseer, Municipal Committee, Ludhiana, dated 27th November 1934 on the above-mentioned complaint ;
- (iii) action taken by the Executive Officer, Municipal Committee, Ludhiana, on the report of the Overseer, dated 27th November 1934 ;

(b) state whether he is prepared to take any action against this member ?

The Honourable Dr. Gokul Chand Narang : The necessary information is being obtained from the local officers and will be supplied when ready.

UNSTARRED QUESTIONS AND ANSWERS.

COTTON ON THE DIPALPUR INUNDATION AND SUTLEJ VALLEY PROJECT CANALS.

1056. Khan Sahib Mian Noor Ahmad Khan : Will the Honourable Revenue Member please state —

- (a) whether he is aware that the principal crop for *kharif* harvest, 1934, *viz.*, cotton, has been seriously damaged on the Dipalpur Inundation Canals and Sutlej Valley Project Canals, irrigating the Montgomery district, due to shortage of water, at critical times ;

(b) whether he is aware that the zamindars of the villages in (a) have made representations for remission of Government dues to the Deputy Commissioner, Montgomery ;

(c) if the answers to (a) and (b) are in the affirmative, what action the Government intends to take in the matter ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan :

(a) No.

(b) Yes.

(c) Does not arise.

REVISION OF RECORD OF RIGHTS OF SANGNAI ESTATE.

1057. Thakur Pancham Chand : Will the Honourable Revenue Member kindly state —

(a) whether it is a fact that in 1932 Government issued a notification directing a special revision of the existing record of rights of Sangnai estate in the Una tahsil of the Hoshiarpur district ; and, if so, what were the reasons for directing the special revision ;

(b) whether it is a fact that the notification directing the special revision was subsequently cancelled by Government, and, if so, what were the reasons for the abandonment of the special revision ;

(c) if the special revision was directed on account of serious inaccuracies in the existing record of rights how those inaccuracies are now intended to be removed ;

(d) what compensation will be paid by Government to the persons who have been undergoing great monetary losses due to these inaccuracies ;

(e) whether it is a fact that at one time the local officers intended to remove the inaccuracies by consolidation of holdings of the village, and, if so, why the work of consolidation of holdings has not so far been taken in hand ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Yes ; the notification was issued because several discrepancies were discovered in the measurements recorded at the current settlement, 1914-15, as compared with the *shajra kistwar* of the previous settlement of 1868-69.

(b) The notification was subsequently cancelled because the actual measurement on the spot revealed that the *shajra* of the present settlement is definitely more accurate than that of 1868-69.

(c) Government are now satisfied that there are no serious inaccuracies in the existing record of rights and that no further action is needed.

(d) Does not arise.

(e) Yes ; the consolidation of holdings in the village was dropped partly because some of the proprietors did not give their consent to the consolidation and partly because others failed to deposit the advance required towards its cost.

SITTINGS OF THE COUNCIL.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan (Revenue Member) : I believe that the House will take two full days in the discussion of the Joint Parliamentary Committee's Report. After that, we can meet on the 20th. If it will suit the House we can discuss the Franchise Committee's Report on the 20th and also take up the Punjab Relief of Indebtedness Bill which has been returned by His Excellency the Governor for reconsideration on the same day unless you decide to sit on the 19th.

Mr. President : I am in the hands of honourable members. If they wish to sit on the 19th, I shall respect their wishes.

JOINT PARLIAMENTARY COMMITTEE'S REPORT.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Muhammadan, Rural) : I move—

That in the opinion of this Council the Report of the Joint Parliamentary Committee does not satisfy the aspirations of Indians and should be rejected.

(Urdu) : Sir, the report of the Joint Parliamentary Committee now before the House is most disappointing and retrograde. As a matter of fact we know that almost all sections of the people have disapproved of it. Of course there are some of our countrymen who for certain reasons of their own have remained content with calling it an unsatisfactory report. But even a report which is unsatisfactory cannot be acceptable to the country. There are some others who consider that since the inauguration of reforms now in vogue, the country has made some progress and that it will therefore be worth while to give a fair trial to the scheme embodied in the Report. That is a wrong view of things. The all-important question now before the public as also before us is to see whether the British Government have fulfilled their promises held out to this country from time to time ever since the announcement of 1917. If these promises have been fulfilled one can say with some show of reason that this Report may be accepted with all its inherent defects. You are aware that in 1917 an announcement was made to the effect that India shall be granted responsible government in due course of time. The words "responsible government" were interpreted in two ways. There were people who thought that "responsible government" meant "dominion status" while there were others who held that "responsible government" did not mean dominion status. Consequently Sir Malcolm Hailey with a view to setting at rest the doubts of the public on the point explained in the Legislative Assembly that the words "responsible government" did not stand for dominion status. This led to a strong agitation throughout the length and breadth of the country. Those who already believed that so far as India was concerned British Government used to promise much and do little, were once again confirmed in their belief. But those who happened to be credulous were satisfied with the words "responsible government" even though there remained no doubt as to the real meaning of these words. It was then that the Congress raised a strong voice and vehemently urged upon the British Government the advisability of granting dominion status to India. Following the lead thus given by the Congress, the members of the various parties of the Legislative Assembly asked the Government to specify something as the ultimate political goal of

India and for that purpose to hold a round table conference. This was the first time when the British Government yielded before India's demand. On the 9th July 1931 the Prime Minister declared in Parliament that India's ultimate goal was not responsible government but dominion status. Thereupon Lord Irwin announced on the 9th August 1931 that the interpretation put upon the words "responsible government" by Sir Malcolm Hailey was wrong. Sir, this is not an unimportant matter. It is rather a matter of great consequence. We should not say that whatever is being given should be readily accepted by us. We have been making great sacrifices for the cause of the country ever since 1917, and we should not make any efforts to undo the effect of these sacrifices. It was due to these sacrifices that the British Government was compelled to send the Simon Commission out to India which met with a strong opposition at our hands and which ultimately led the British Government to hold a round table conference. Similarly you may care a fig for our opposition to this Report at present but a time may come when you will realise the force of our remarks.

Now I come to the Report itself. No responsible class of people, not even any sensible individual will ever consider the form of central government provided in this Report to be a responsible one. Under the proposed constitution when you will have absolutely no control over the army, in fact no hand in the administration of the country, how can you call this form of government to be a responsible one? We cannot be satisfied with this Report because no opportunity is provided for us for shouldering big governmental responsibilities nor any promise is made as to the shifting of these responsibilities on to our shoulders on some future date. How can you expect us to welcome a report according to which India will not be in a position to establish and maintain independent political and commercial relations with foreign countries? With regard to the internal administration of the country I would submit that there are various objectionable features in this Report, as for instance, Indian States have been given adequate representation in the central legislature but our ministers will have no power to interfere in the internal affairs of these States. It has also been urged more than once in the House that Indian trade and industry have been ruined and that Government should take steps to revive them. The authorities in India have pointed out to the Home Government that the latter need not discourage Indian trade and industry. But inspite of that a keen rivalry exists between the British and Indian commerce on account of which the British Government have taken a very hasty step to protect the British commerce. Under these conditions you cannot ensure the financial stability of India. In fact, this Report is a document ensuring British political and commercial supremacy. Even provinces have not fared better. There are people who look very much pleased with the idea of provincial autonomy. There is of course one redeeming feature of this Report so far as the provinces are concerned and that is that there will be no official block in the provincial legislature. This is all that can be said in its favour. Much has also been said about the ministers' responsibility which in actual practice would surely prove a mere sham. How can one be expected to control an unruly horse the reins of which are in the hands of another person? How can the poor minister effectively keep control over the I. C. S. officers who are placed under the direct control of the Governor or the Secretary of

[Ch. Afzal Haq.]

State for India. The minister's position will be worse than it has been hitherto. Supposing a friend of a minister in charge of law and order is arrested for being a member of a terrorist party. The minister may be interested to know the nature of the offence his friend has committed. He will probably ask the Inspector-General of Police to state the nature of the offence on which the arrest of his friend has been ordered. The Inspector-General will not be prepared to do that.

The Honourable Mr. D. J. Boyd : That is wrong.

Chaudhri Afzal Haq : The minister will ask the Inspector-General of Police as to why his friend has been arrested.

The Honourable Mr. D. J. Boyd : That is right.

Chaudhri Afzal Haq : If this is right, why is the other statement wrong? I am submitting that the position of ministers will be still worse. There is some sense of responsibility in these days but under the proposed constitution a time will come when even this much responsibility which exists at present will not be found. The minister concerned will approach the Inspector-General of Police with folded hands to know something about the arrest of his friend who may be a member of the Council (*laughter*). Supposing the minister in charge of the Police Department is pressed, on reasonable grounds, that the punitive police system, which is very old and which does not conform to the present conditions, should be changed for the better and the minister concerned agrees to introduce the necessary change, I ask, will he be able to respect the wishes of the representatives of the people and act according to his own convictions? No, he will not be able to do so. His Excellency the Governor will at once ring him up and say that he has no such power to make such promises or to give such an undertaking to the legislature. The poor man will have to bow before the Governor and will have to disregard the wishes of the people. If these so-called responsible ministers will not be able to introduce a small change in the police rules, it will be travesty of facts to call them responsible ministers.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The honourable member is exaggerating facts.

Chaudhri Afzal Haq : I should like to know what then will be their position. Supposing further that a minister wants to punish an I. C. S. officer under him or wishes to transfer him for some fault of his, will he be able to act independently? The reply is that he will not be able to do so. Such officers have gone wrong in the past and they will go wrong in the future too. You will remember that a deputy commissioner behaved in a very objectionable manner towards an honourable member of this House somewhere in 1927 and that a vote of censure was unanimously passed against him by this House. You will also remember that the then Finance Member was pleased to assure the House that instructions would be issued to all officers to behave properly and courteously towards the honourable members. I am prepared to admit that according to that assurance the instructions might have been issued. I also know it for a fact that the officer in question was reprimanded and transferred to some other place. But my fear is that under the proposed constitution our ministers

will not be able to do even this, however much they may desire to do so. If an officer is guilty of such an offence in future, and it is very likely that such offences will be repeated, our ministers will not be able to punish the offenders. If this is so, no one can say that our ministers are going to get more powers. It will be certainly far wrong to call them responsible ministers.

Now I come to the forming of cabinets under the new constitution. It has been said or at any rate efforts have been made to make us believe that the legislatures will have full independence in this matter of forming cabinets. But from what I have read in the Report of the Joint Select Committee I find that even in this matter the Governor will have the final authority. The legislatures will look to the Governor for his decision in this matter also.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I have not been able to follow what the honourable member has said. Will he kindly explain his meaning?

Chaudhri Afzal Haq : There are some things which are certainly difficult to understand. However to make myself more clear I will say that in case the Unionist Party is in a majority in this Council or in the Council under the new constitution and it chooses to form a cabinet of men of its own choice. I ask, will the Governor agree to that choice and will he give his blessings to that cabinet? No, this will not be the case. He will certainly say that he must have some regard for the wishes of the National Reforms Party. He must seek their consent also in this matter and if this is to be so, how can you say that the legislature will have complete independence in this matter?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Where is it written? Please do not distort the Report. It is already bad enough and you distort it and make it worse.

The Honourable Mr. D. J. Boyd : The honourable member will please keep to what is in the Report.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Why does not the honourable member quote from the Report?

Mr. Nanak Chand Pandit : The honourable member should not be interrupted by the Government officials. One of them can reply to what he is saying.

Chaudhri Afzal Haq : I am sure the Honourable Member has not read the Report. It is after a thorough study of the Report that I have made this remark. If any of the honourable members on the Government benches can satisfy me as to what is meant by 'protection of minorities' and how they are to be protected I shall readily withdraw this objection. I shall in that case accept the resolution to be moved by the Khan Bahadur. But I am convinced that in order to protect the interests of the minorities the Governors are going to interfere in this matter of formation of cabinets. They will surely make it a ground to thwart the wishes of the majority party in the Council.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : This is not necessarily the way or the only way to protect the interests of the minority communities.

Chaudhri Afzal Haq : If you happen to be at the helm of affairs at that time, you may see that in the formation of the cabinets the wishes of the majority party in the Council prevail, but I doubt very much that others also will act in that manner.

Then there will be a permanent and unchangeable secretariat representing the Honourable Finance Member and the Honourable the Revenue Member and it will see that anything that the so-called responsible ministers intend to do is brought in time to the notice of the Governors who will in turn stop the ministers from carrying out their intention. This secretariat will act just like the Inspector-General of Police in matters relating to Police and the Criminal Investigation Department. This is another serious defect which I have found in the Report. I cannot, therefore, but say that the Report is not acceptable from any point of view. It is full of so many serious defects which it will not be very easy to remove. In the proposed constitution the ministers will be nothing more than mere advisers and they will not enjoy even the powers that they at present enjoy.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : That is also exaggeration.

Chaudhri Afzal Haq : I may also point out that in the proposed constitution the Governors will have the power to make laws and to enforce them even if the Councils are in sessions at the time a law is made. They will not be bound to refer to the Councils or to take their advice before making such laws. If a Council passes a law, the Governors will have the power to see that it is not enforced.

The Honourable Mr. D. J. Boyd : Will you kindly explain how he can do that ?

Chaudhri Afzal Haq : If a Governor wishes that a certain law passed by the Council should not be enforced, he will sleep over it, say, for two years and when the members or the ministers approach him and enquire about the fate of that legislation and where it is locked up, he will evade the enquiry by saying that it has been sent to His Majesty for His assent. These are only delaying tactics no doubt, but they will have the desired effect. Therefore I say that the Governor will not only have the power of making laws independently of the Council, but he will also have the power to prevent a law passed by the Council from coming into force.

Now I ask another very relevant question, and I would like any of the honourable members on the Government benches to answer it. What will be the position of a minister if an I. C. S. Officer who has been working under him for some time and whom the minister does not like as his subordinate is after some time exalted to the position of Governor ? What sort of treatment, do you think, will be meted out to him by that Governor who as a subordinate was not on good terms with the minister ? We can very well guess that the minister will be disgraced at every step.

The Honourable Captain Sirdar Sir Sikander Hyat Khan : Why should the honourable member think that that minister will like to continue as minister ? He will certainly do better to get away from the cabinet.

Chaudhri Afzal Haq : I know that that course will be open to him, but I want to say that either the ministers will have to put up with disgrace

or they will have to resign from the cabinet. With the change of every Governor the cabinet will change. That is, I think, another serious defect which I wanted to point out. Taking into consideration all these defects I am constrained to say again that the Report is not acceptable. I would, therefore, request the honourable members of the House to pause and consider as to what they are going to accept. They must give their best thought to it and come to the right conclusion. It is clear as daylight that the proposed constitution is not going to benefit the people of this country in any way, and, therefore, it will not be in the interest of the country to accept it. What a result of those unique sacrifices which the country has made to attain its goal and which at one time in 1929 compelled the British Government to declare that responsible government, which meant dominion status, for India was the goal in view! I am really shocked to see this outcome of those sacrifices. I realise that we ourselves are to blame to a certain extent. I know that we kept quiet for a long time believing in the honesty of purpose of the British Government. We were credulous, and we left everything to the British statesmen. But I find now that we were wrong to take up that attitude. Unfortunately for the country there is always one section of the population which is prepared to welcome any step towards advance and even a retrograde step and the British Government is fully aware of this fact. That is why such a Report has been made and our aspirations have been trampled down. It is now our duty to let the British Government know that it was wrong to entertain such a feeling and let us therefore all unite to reject this Report.

Mr. President : Motion moved—

That in the opinion of this Council the Report of the Joint Parliamentary Committee does not satisfy the aspirations of Indians and should be rejected.

Khan Bahadur Sardar Habib Ullah (Lahore, Muhammadan, Rural (Urdu) : Sir, I beg to move—

That the following be substituted for the original motion :—

Whereas the scheme of constitution outlined in the Report of the Joint Parliamentary Committee definitely falls short of the pledges given by His Majesty's Government and does not satisfy the Indian aspirations, in the opinion of this House it should be declared inadequate, unsatisfactory and disappointing.

In the agenda that I received from the Council office day before yesterday there were two motions, one standing in the name of a Government Member and the other which has been moved just now by my honourable friend from Hoshiarpur. The first merely wanted to discuss the Report of the Joint Select Committee and the other, as we have seen, wanted us to reject the Report. It at once occurred to me that if the one did not go a long way, the other went much further than it was desirable. I am glad to find that the first motion has not been moved. The other motion, which has been moved and which asks us to reject the Report, is rather vague and at least not intelligible to me. I have listened attentively to every word that the honourable mover had to say in support of his motion and I may say that he has anticipated me in what I had to say. Most of the views that he has given expression to are the views that I wanted to express in connection with this Report. But what I particularly wanted to know from him he has failed to tell me. He has not made it clear how and in what way the Report is to be rejected. Does he mean to say that we are not to enter

[K. B. Sardar Habib Ullah.]

the Councils that are to come into existence on the basis of the Report, or that we should non-co-operate or offer obstruction to the proposed constitution when it comes into being? Or, does he mean to say that we should exhort people to resort to civil disobedience in case our demands are not accepted? As the honourable member has not made it clear how the Report is to be rejected, we must hesitate to accept the motion moved by him. In the circumstances I thought it best to move my amendment for the consideration of the House. I have used the words inadequate, unsatisfactory and disappointing as these are the very views which have been expressed with regard to the Report of the Joint Parliamentary Committee by Indians of every shade of opinion. The scheme of constitution as outlined in the Report is inadequate, unsatisfactory and disappointing because it does not fulfil the Indian aspirations and does not appeal to the Indian mind. It does not go a step beyond what we have got at present and, therefore, it must be characterised as very disappointing.

I must confess that I have not been able to read this Report thoroughly enough to offer a detailed criticism or to point out every defect that is to be found in it. I shall, therefore content myself with saying what is apparent and what can be seen even from a cursory glance at the Report. To begin with I fully endorse the remarks of the honourable member from Hoshiarpur that those pledges which were made by so many British statesmen, by a number of members of Parliament, by the Prime Minister and by the Governors-General in India have not been in the least fulfilled. You will remember that Lord Irwin as Viceroy declared in one of his speeches that dominion status was the goal in view for India. He used these very words in that speech and he went further and said that he had the full authority of the Home Government to make that declaration. It may have been said afterwards that these words meant something different because afterwards some other political considerations prevailed, but it will not be denied that these words were actually used by Lord Irwin in one of his speeches that he made here in India as Governor-General. And in the face of all those pledges and solemn declarations if this Report is presented to us we must naturally feel disappointed. There is another very sad feature about this Report to which I particularly draw the attention of the House. This very inadequate, unsatisfactory and disappointing Report has taken ten long years for its preparation. It is the result of deliberations which extended over a period of ten long years and for which the British Government as well as the Indian Government had to spend so much. Such a report, I dare say, would have been easily and in a very short period prepared by any Indian Civil Service man. All this expense and time has simply been wasted. It is not convincing in any respect. It does not fulfil the Indian aspirations and it does not meet with the demands made by the Indian leaders from the Congress or from the Muslim League or even from Muslim Conference platform. It is not even in conformity with the Joint Memorandum that was submitted by the Indian members of the Round Table Conference who were all nominees of the Government. It is a pity that the Indian aspirations have been cruelly and mercilessly trampled down under foot. I am constrained to say that the Report of the Joint Parliamentary Committee is goal-less and soul-less. It is goal-less because no promise has been held out that after five years or even ten years the scheme will be revised and further

reforms granted according to the changed circumstances. I say it is soul-less because in its preparation the voice of the conscience has been ignored. From the study of the Report you will at once find that federation and responsibility at the centre have been made things of very remote possibility and dependent on so many factors.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : But, why are you in a hurry about this federation ?

Khan Bahadur Sardar Habib Ullah : But we have not got even that provincial autonomy which was definitely promised to us and about which no doubt was ever expressed. I believe the proposed constitution will even be worse than the present constitution with regard to the provinces. I am sure the ministers will themselves say that it is so if, of course, they have not ceased to listen to the voice of their conscience as I am sure they have not. (*Honourable members:* No, no.). Let them show if they can that the proposed constitution is in any way an improvement on the present constitution. From every word of the Report you will find that our ministers have not been trusted. They have rather been suspected in regard to every matter and that is why so many safeguards have been provided with regard to every department. Take the Police Department for instance. The Inspector-General of Police is to be given powers to refuse to disclose anything that he may desire, to keep secrets even from the minister in charge of the department. When the honourable member for Hoshiarpur referred to this point, his statement was challenged and in order to satisfy the honourable members on the Government benches as to the correctness of that statement I shall with your permission, Sir, read a relevant portion from the Report of the Committee. That portion occurs at page 58 in paragraph 95 of the Report and is as follows :—

For these reasons, it is, in our view essential that the records of any such Intelligence Department should be protected from even the slightest danger of leakage. Experience in every country shows how strict this protection must be. It has been argued that an Indian Minister, who may have to defend subsequently before the Legislature an arrest or prosecution made or begun by his orders, must have the right to satisfy himself that the information on which he is invited to act is in all respects trustworthy, and that the names of the informants or agents from whom it has been obtained could not in the last resort be withheld from him. We think that those who argue thus are not acquainted with the general practice in matters of this kind.

It clearly means that it will be at the option of the Inspector-General of Police to give information or not to the minister in charge of the department. Ministers will not be fools to ask the name of every informant and every agent, but even if they ask for such an information, they will be refused and they will be helpless to enforce their will. Should we not take it then that our ministers will have not even those powers which they at present enjoy? Leave this Police Department alone and take any other department. Take for instance the Industries Department. Will the minister in charge of this department be able to make any development in the department that he would like to make? Will he be able to satisfy the wishes of the representatives of the people in the Council for introducing industrial reform? I challenge the present minister to get up and say that he will be able to do as much as he will be desired by the people to do in regard to this or any other department. The same might be said about the Agriculture Department.

The Honourable Sardar Sir Jogendra Singh : I can get all the money for the Department of Agriculture.

The Honourable Captain Sirdar Sir Sikander Hyat Khan : We must cut our coat according to our cloth.

Khan Bahadur Sardar Habib Ullah : But even if the money is available the ministers will not be able to do as much as they may desire to do independently of the wishes of the higher authority. I say there is no department in regard to which the ministers have been given unrestricted powers. They have not been trusted. They have rather been suspected of bad intentions. It appears that there is something rotten in the minds of those who are responsible for preparing this Report. This mistrust will not help to work successfully any scheme of reform and constitution. (*Interruption*). The Honourable Leader of the House has said that all depends upon one's actions. The reforms have been in force for the last 17 or 18 years and during this long period I do not think that there has been any occasion when there was a reluctance on the part of the honourable members of this House or the honourable ministers to co-operate with the Government. During this long interval we have never given any chance to the Government to complain against us that we have been deficient in anything whether in the spirit of co-operation with them or in the performance of our duties as members of this House.

In order to judge the strength of any measure two things are kept in view, first as to who will have power over the finances and secondly, as to whether the control over the army has been given or not. The quotation regarding control over military is a central subject and as such I will not discuss it. As regards the finances I may submit that although this Report says that the minister will be responsible, yet I think they will not be able to discharge their responsibility efficiently, for, the Governors are given very vast powers over them. The Governors are given such absolute powers as are not even enjoyed by dictators like Mussolini and Hitler. Mussolini and Hitler are selected dictators of their countries and their people have granted them those vast powers. But here the position is quite different. Under the new reforms as they are outlined here in this Report Governors will be enjoying the powers of dictators. And it is a pity that we who are the public of this country will have no hand in their appointments. Neither will we select them nor appoint them. I would not have taken up this point, but the idea that these dictators will be thrust upon us forced me to mention it. Who will be our dictators? None else than the members of the I. C. S. who will be promoted to those high positions and given such large powers as to make the ministers helpless. The ministers will be figure heads and will be absolutely in the hands of their secretaries. Whenever there is a difference of opinion between the secretary and a minister the former will be entitled to approach His Excellency the Governor and tell him that he fails to see his way to agree with the minister and, therefore, the Governor should kindly settle the question. In this way the Governor will interfere and decide the matter according to his own sweet will. Not only will the members of the I. C. S. be entitled to approach the Governor but even the members of the P. C. S. may at any time approach the Governor and tell him that they do not agree with the minister. The position of a minister will be that of a man who has no power to do anything. No one would

tolerate that any of his subordinates should be given powers to go over his head and get things done according to his own will. I would not tolerate such a thing on the part of any of my servants. Under the reformed constitution such powers are given to the secretaries that the ministers will find it difficult to do work according to their own will. In reality they will not be able to do anything independently. They will not be able to interfere in things in which they may be keenly and sincerely interested. Mr. President, at present in order to bring before the House any Bill you require the permission of the Governor and then after it is discussed and passed by the Council it is again sent to the Governor for his assent. The case of the Relief of Indebtedness Bill is before you. It was moved, discussed, passed and then sent to His Excellency the Governor so that he may accord his assent to it. His Excellency has returned the Bill to the Council with his instructions to further consider some of its provisions. Under the reformed constitution powers like these and others will be given to the Governors to such an extent that provincial autonomy will exist only in name and not in fact. No doubt these powers are necessary to some extent but in no case necessary to the extent to which they are proposed in the Report now before us. All the procedure of this House will be regulated according to the wish of the Governor and the secretaries. The President of the legislature, the leader of the House and the other officers of the Council will have no power so far as the proceedings of this House are concerned. There will not even be any need to make references to May's Parliamentary Practice. There will be no need to follow the practice of the Parliament. The Governor will be there to lay down the rules of procedure for the House. The House will simply follow them.

Again, the Governor will have powers to reject a Bill passed by the Council. He will have also powers to ask the House to stop the discussion of a Bill while it is in the course of its passage. He will also have power to certify a Bill as essential in the interest of law and order even though that Bill may have been rejected by the Council. (*An honourable member* : What will it amount to ? Perhaps *Sikhashahi* !) *Sikhashahi* was not bad. If we have formed some bad associations with it, it is due to some adverse propaganda that was made against it. The coming constitution as suggested in the Report will be something worse and it will not stand any comparison with *Sikhashahi*. The Sikh Raj was very good. I am an admirer of that Raj. Our future constitution as is outlined in this Report is something which is in its effects much more autocratic than Hitlerism. Governors will have powers to stop the discussion of any Bill at any time. Liberal section of the House of Commons thinks that we have been given so much but those who can see things through know that nothing has been granted to us. The Churchill party is satisfied that Indians have not been granted any privileges in substance. All those who are jubilant over this Report and think India has been given some measure of control over her destinies only prove their shortsightedness. Those members of the House of Commons who seem to be favourably inclined towards India are in reality very anxious to please the Churchill party and in order to win their goodwill they have outlined a reformed constitution for India in this Report which in reality is not a forward step from what we have already got but a retrograde step. They have prepared this Report in order to please the Churchill party. On

[K. B. Sardar Habib Ullah.]

the basis of this Report they can tell their opponents, "Look here we have not granted anything to India and still you are estranged with us." From my point of view this Report is disappointing and the measure of autonomy granted in it is too insufficient. In order to remove all these defects which are inherent in this Report it is very essential that propaganda and publicity on a very large scale should be carried on against the proposals embodied in the Report, so that it may influence the minds of the Parliament and the Bill in the course of its passage through the House of Commons and the House of Lords may be amended according to the lines suggested by the Indian opinion.

The Englishmen are mistrustful of the Indians and on account of this mistrust on their part they think that Indian ministers will not co-operate with them and perhaps at some time in the future may act in a way which may be harmful to the interests of England. This mistrust on the part of the English is quite baseless. If self-government is granted to India and our ministers are made responsible I am sure things will run as smoothly as they have been running in the past. Let the past experience of the Councils be a guide to the Englishmen who are opposed to the wishes of the Indians. In the past the Councils and the ministers have together co-operated with the Government and in the future it is hoped, if they are made responsible and the country given a greater measure of self-government, the administration will run smoothly and no question between the interests of India and the interests of England will ever crop up. As regards the remark that in the future governments will be formed and they will work smoothly as they have been formed and working in the past is no argument in favour of this Report. It is no criterion of a good government. In the end I request the Government that they should, through the Government of India, draw the attention of the Secretary of State for India to our dissatisfaction and disappointment with the proposals embodied in this Report, more specially with the proposals regarding the powers of the Governors over the ministers and the legislatures. So long as you will not include in the proposals some element of autonomy the public opinion in this country will remain dissatisfied with the reforms.

Mr. President : Motion moved is—

"Whereas the scheme of constitution outlined in the Report of the Joint Parliamentary Committee definitely falls short of the pledges given by His Majesty's Government and does not satisfy the Indian aspirations, in the opinion of this House it should be declared inadequate, unsatisfactory and disappointing."

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural) : I rise to support the motion moved by the honourable Sardar Habib Ullah. This Report has been criticised all over the country through the press and a good many platforms and pulpits and in a number of Legislative Councils as well as in the Parliament, and a great deal of criticism, both sound and unsound, has been offered in regard to it. In my opinion the Report is of such valuable importance that it should not be discussed in a light-hearted manner. Both its good points and bad points should be considered. What appears to be wrong with many of its critics who have criticised the Report is that they consider it to be the final word, whereas

it is a report to the Parliament and one does not know whether the Parliament will carry out the letter or the spirit of the Report entirely. They will make many changes, so it is proper for us to point out its defects as well as its good points. If we make only a damaging criticism of the Report, it will give a handle to the die-hards of Churchill type who will use the opportunity for injuring the cause of India. Therefore we must consider it most dispassionately. The suggestion that the Report should be light-heartedly rejected is ill-timed. That time will come when the problem will be discussed when it comes in the form of law. It is indeed crying before death: *Pesh az marg wawela*. So keeping this principle in view I will take up the good points of the Report first and then its bad points.

This Report is a gift by a country which has ruled over our destinies for some two hundred years, and I think it is most magnificent and generous on the part of England to part with the power which it has enjoyed for about two hundred years. It is all right to say that nothing has been given, but just think of the bureaucrat who has ruled single-handed with the power of a Tsar or a Sultan parting with that power at this time. I think that point should be realised. They might very proudly say :

کے قانون سازگان کا دیا ہم نے جگر کو
جو کام کیا ہم نے رسام سے نہ جوا تھا

It is a mere hypocrisy to say that there is no real advance over the previous one. The gift that England is making to India is well-deserved because India stood by England in time of stress and trouble and specially during the War, and when the promise of the gift was made there was no pressure brought on England. It was made when the War was going on and just when it was turning in favour of the allies, and it was made when there was no agitation in India and even the much abused Congress was quiescent. It was made out of England's goodwill for India and as a result of the lessons which England was reading from the War. It was then that a promise to confer responsible government, was made in 1917. This promise was interpreted as one conferring dominion status on India. In 1931 the promise was considered first by Lord Irwin who said that this promise meant nothing less than full dominion status. This promise was re-affirmed by the Premier in England when the first Round Table Conference dispersed. With those promises before us, it is only natural that there should be a great deal of disappointment caused by this Report. We must therefore agitate as much as we can against this Report so that those defects therein may be removed which are a real obstacle to the transfer of power to the people of India.

This Report is a great re-action on the White Paper. It has gone much beyond what is conceded in the White Paper. When the White Paper was discussed in this Council I and a number of other honourable members thought that perhaps the Joint Parliamentary Committee which was then intended to be set up would remove many of the defects and shortcomings in the White Paper. But we are disappointed to see that this Report instead of removing those defects has provided far more safeguards, reservations and special powers. Certainly the Joint Parliamentary Committee has not done justice to India. It should have taken note of

[Ch. Allah Dad Khan.]

the vehement protest raised in India against the White Paper. Evidently it has not done so. On the other hand it has made the Report more stringent and more reactionary, bristling with more safeguards and reservations and more special powers. My honourable friend who moved the motion has enumerated all those drawbacks, and I therefore need not go into them. What is left for me is to show wherein the Report of the Joint Parliamentary Committee has been made more reactionary and more stringent than the White Paper. In showing these reactionary points, I hope the Parliament will take note of them and remove them while considering the Bill on the subject.

The first point is that in the White Paper only three subjects were reserved as being the special province of the Viceroy, namely, defence, finance and foreign relations. Ecclesiastical department was added to these as an adjunct. Of course about the last we have no quarrel. It may be within the special province of the Viceroy as he is best fitted to administer it as a Christian. But in this Report of the Joint Parliamentary Committee administration of railways has been taken away from popular control. The railways will come under the control of a statutory Railway Board when the Act comes into force. Though the Act constituting the Railway Board will be an Indian legislation to all intents and purposes it may be said that the Railway Department will be taken away from the control of the Indian minister. Remember that this is not only for a short time but for ever. In this respect the Parliamentary Committee has gone beyond the White Paper. I do not mean to say that they had no right to add to or reduce the recommendations contained in the White Paper, but it would have been very good of them if they had confined themselves to the recommendations in the White Paper. It must have kept in mind that it had to do justice to India besides satisfying the die-hard element in England. Instead of trying to satisfy the legitimate aspirations of the Indian people it has added insult by taking away the Railway Department from the control of the popular minister.

Then comes the reports of the Criminal Investigation Department concerning terrorist movement. These reports are to remain a sealed book. They will never come to the notice of the ministers. My honourable friend, the Leader of the House, said that they were confidential not only in India but also in England. That may be true in practice. But there is no law or rule in England to treat these reports confidential from the ministers. If an occasion arises the minister in England can have a look at them. It may be that generally the ministers in England do not see them. But it is only as a matter of practice and there is no statutory prohibition. Why should you not expect the Indian ministers also to do the same? Indian ministers have been in office for the past fourteen years, ever since the Montford Reforms. Have they done anything during these years that you should now begin to distrust them? If they have not done anything to lose your trust, why should you impose a statutory obligation that the reports of the Criminal Investigation Department should be treated as confidential even from the Indian ministers? You may as well allow a practice to grow up in India by which the ministers

will not generally call for such reports. Why should there be different practices in England and in India? (*An honourable member*: Practices take many years to form.) But we must benefit by the lessons of England. We have introduced English institutions into India and we find them thriving. If that is the case we may naturally expect English practices also to grow up and thrive here. Therefore all these reservations and special powers lead only to one interpretation that England wants to retain its power over this country by any means and for as long a time as possible. Otherwise I do not see why the ministers in India are not trusted with the reports of the Criminal Investigation Department. It is open to the Governor if he finds that any minister has ceased to command his confidence to remove him from office. When the Governor has got so much power I really do not see the purpose of this reservation. Ever since the introduction of Reforms of 1919 there have been ministers in all the provinces of India and we have not had any single case where a minister has ceased to command the confidence of the Governor. Even in Bengal where the terrorist movement is at its highest, we have not heard of any minister there having lost the confidence of the Governor. That proof is enough, if any proof was wanted, to show that Indian ministers can be trusted. Therefore this provision in the Report relating to the reports of the Criminal Investigation Department is only an answer to the clamour raised by Churchill and his die-hard friend in England. The Committee should not have minded these gentlemen. They have a clear majority in the House of Commons and so they need not have been afraid of Churchill and his party. (*Interruption.*) I may draw the attention of the House to page 12, line 4 of the Report where it is said :

To many Indians it seems to imply a selfish reservation of powers inconsistent with any real sense of responsible government.

That shows that the Committee is conscious and it is only in view of the hue and cry raised in England that these safeguards have been provided. But is this all the reward for the people having stood by England through thick and thin during the great War? Even the Indian National Congress did not raise any obstacle in the way of success to the allies. For this obligation England must be very grateful, nay, not only grateful, but must be very considerate. The Committee should, therefore, have considered the position of our country with 350 million people and not the handful of die-hards in England who raised a huge clamour. I therefore suggest that when Parliament is going to consider the Government of India Bill, it should try to placate the 350 millions of Indians and not the 95 die-hards in England. It is always a good policy to satisfy the majority. Government cannot afford to satisfy the minority in political considerations of this type. The pledges which the British Government has made are very far-reaching and in spite of the safeguards that the White Paper has provided, in spite of the statutory obligations, I say still that England has parted with power for all time to come. They must bid good-bye to autocratic power. Take the case of Ireland. How many powers did you reserve in their case? A great many, the commercial treaties and other things. But were those powers kept intact? No. So, once you begin to give the powers, they are not likely to be stopped. And when you part with them,

[Ch. Allah Dad Khan.]

part with a good heart. Do not spoil the good that is given. There is a proverb in Hindustani which says :

اگر بکری نے میٹگنیں ڈال کر دودھ دیا تو کس کام کا

That is, if you give these powers, give them pure, and unadulterated. Say, you have stood by us, you deserve this. But why should you give with one hand and take away with the other? The man to whom you give the power will not like to part with it. The safeguards do not avail very much. You give the whole power in any case once you begin to part with it. I do not say that you should withhold it. Why should you part with your powers with tears in your eyes? You are giving such a generous thing. You are giving India a thing which no other country in the world has given. It is a most magnanimous thing. England is generous enough in this respect. It has taken the lead and as I quoted in the Urdu verse just now, England can say that it has parted with powers voluntarily which it could enjoy, because divided as we are, Hindus killing the Muslims, Muslims grappling with Hindus and so on, it could keep those powers. What I say is, why do you not make that gift still more generous? Why do you keep these things to yourself? This will produce discontent and nothing else. You are bound to give responsible government or dominion status or whatever you call it. Why do you not give it in a generous spirit? Then there are other questions, the questions relating to the control of the Indian Civil Service and the Police. The Joint Committee has gone much worse in this respect. The minister cannot even transfer an officer of these services without the consent of the Governor. Now, what is this? How can he work the department? This is a very funny thing which has been recommended by the Joint Parliamentary Committee. They say English officers up to this time have behaved very well under the Indian ministers and have not raised any obstacle. You have forgotten that the Indian Civil Service has obeyed the ministers so far because they thought they would get absolute powers. They knew that the bugbear of power was coming. But now they have been given an assurance that they would always be free from the control of the minister, you will see the result of that in a few months. I can give you an instance. I am not going to divulge any confidential things. But there may be many confidential cases in which there may be such incidents. In the district of Gujranwala a member of the Indian Civil Service defied a certain gentleman in the Cabinet and he defied at a time when he knew that the next instalment of reforms was coming in 1930. The incident happened in 1926 and he never dreamed then that the reforms were coming so late as 1936. I do not want to rake up old sores. There are many other similar instances. I can point out the instance in which a deputy commissioner was involved. But these are unhappy things and I will not indulge in them. If I have digressed a little it is only to point out to the Joint Parliamentary Committee that they are mistaken and they have no experience of the servants in India, how autocratic and how overbearing and how bullying these officers are. Even the deputy commissioners must know to their cost that many of the younger members of the Indian Civil Service have defied them and there is one man who defied the High Court Judges not once but several times. When I told

him that he should have been a Judge of the High Court, he said that it was foolish that the Government had not made him one. An English man who is a Judge of the Court also told me that that member was as good as any other judge. (*An honourable member* : Did he discuss that with you ?) Yes. Not discussed but disclosed.

Mr. President : Will the honourable member please speak to the motion ?

Chaudhri Allah Dad Khan : There may be some Indian Civil Service men who have behaved very calmly and submissively to the Indian Ministers.

The Honourable Sardar Sir Jogendra Singh : May I say one word ? So far as the ministers and the services are concerned, there has been the closest possible co-operation between them.

Chaudhri Allah Dad Khan : You are not the only minister. There have been many.

The Honourable Sardar Sir Jogendra Singh : I was speaking on behalf of all the ministers.

Chaudhri Allah Dad Khan : It is not enough for one minister to say so. And one of the ministers is not present here. It may or may not be correct. But I say human nature is there. When they know that they are absolutely free from the control of the minister and while the minister is in charge of a subject and the Indian Civil Service man is not under him, how can you expect good work to go on ? In the next few years they may say that the Indian ministers are incapable ; they cannot carry on the administration properly. But how can they when you tie them ? You must give them good chance to work. The whole administration depends a good deal upon the Indian Civil Service men, and they will continue to be recruited in the same manner and to the same extent as at present. So, how will you carry on the administration when these people are not under the control of the minister ? I challenge any minister to say that even if he has no control over the Indian Civil Service men still he can carry on the departments smoothly. They may say that the dismissal of an Indian Civil Service man must rest with the Secretary of State because he is the appointing authority at the present time, and in all other respects the Indian Civil Service man as well as the police will be under the authority and control of the Indian ministers. Many an occasion may arise when the minister might have to take action against these men, still a provision like this kept there will have its effect, though these people may turn out as good work as they are doing now. These are my remarks about these services.

Then the Joint Committee have surpassed themselves by recommending that the elections to the central legislature should be indirect. Just think of it. A very funny thing indeed. If a man manages by hook or crook, and you know many a time a member creeps into the Council by dishonest means, who is not fit to be there—

Mr. President : Will the honourable member please withdraw that remark ?

Chaudhri Allah Dad Khan : I withdraw that and say by subterfuge, by election tricks. But they are not representatives of the people. Now having come in he will elect the people to the Assembly. As far as the vote of that member is concerned, it is not a vote of the people.

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

Besides, in the future constitution there may be parties in the country. Just now the Congress party has come, and has got many of its members elected to the Assembly, and in future there will be many parties. Those parties which in future will come into the provincial councils will have to elect men to the Assembly from among the council members in the case of indirect election. So how will they be representatives of the people? In no sense are they the representatives of the people. Moreover, this indirect election is not in operation in England. Why are you imposing this bogus representation on the people of India? If you are afraid that otherwise many congress or other people will come in, this new procedure is all the more advantageous to them. They will return their own men to the provinces and then from there to the Assembly. I think that direct election is the safest thing in the world. Let the members be elected by the people directly. There is no half-way house and there is no use of having indirect election and sending men who are not representatives of the people. They must represent the people. Many times questions of life and death are discussed there. If they are not the representatives of the people how can the people be satisfied that their cause is rightly fought by their own men? Then there will be discontent. If you are giving a generous gift to India why should you take shelter behind all these things? Even the die-hard element in England is not satisfied by this device. Why should you make a provision which perhaps is only based on the consideration of convenience? I say convenient or not convenient, you must carry out the sound

3 P. M.

principles into practice. You must carry out the sound measures and you must not mince matters in this half-hearted manner. The Parliament should not accept this principle, and no provision should be made for indirect elections. Elections should be direct. When you have controlled things by direct methods for such a long period in the past, why can you not do so in the future? Employ more staff, if you need, to conduct these direct elections in which the voter has a chance to vote for the best man. In this respect the Joint Parliamentary Committee has again gone beyond the White Paper, and I think it should be modified by the Parliament.

Then the other thing is that the White Paper recommended second chambers in 3 or 4 provinces, Bengal, Bihar and Orissa, and one other province, the United Provinces, but now the Joint Parliamentary Committee has added Bombay and Madras to it, and there is one man who is perhaps one of the seven wise men of Greece who has written an article in the *Civil and Military Gazette* saying that there should be a second chamber in the Punjab. Look at this man's arrogance. He professes to possess political knowledge which even the Punjab Government does not possess. As far as I know the Punjab Government did not recommend the creation of a second chamber for this province. The grounds given for this proposal

is that the provinces of the Punjab and North-West Frontier are more criminal than any other province in India, surely not more criminal than Bengal. Besides what has this got to do with the creation of a second chamber? In the second chamber there will be men, he says, who will be turning down the proposals of the lower House. The members of the second chamber, it is said, will be more experienced than those in the lower House. But after the Reforms come into existence people will be more independent and will not be what they are now. People in the new Reforms will go according to the wishes of the Council and not according to the wishes of the Government, and that in spite of the safeguards and reservations. Anyhow whether good or bad, look at the audacity of a Punjabi recommending a second chamber. (*An honourable member*: Who is he?) There is a gentleman of the name of Professor Gulshan Rai. He seems to understand more politics than perhaps even the Government of the Punjab. He has forgotten that this Council has been in existence in the Punjab for the last 14 years, and it has never given any occasion to the Government for dissatisfaction. It has generally carried out the wishes of the Government. This was probably the fact which induced the Punjab Government not to support the idea of a second chamber. Yet when the Punjabis themselves indulge in a language which might be misconstrued, which might furnish an argument to the reactionaries in British Parliament and probably might give to our friend Mr. Churchill a handle to oppose the grant of reforms, we must express our resentment against the writings of such people. Mr. Churchill will make capital out of it, and will say that there is a political leader writing in the papers in the Punjab such silly things. These should have no weight in the counsels of Parliament when they come to legislate. The Punjab Council has justified by its conduct and by its work for 14 years that it does not stand in need of a second chamber, and it is well that even the Joint Parliamentary Committee has not recommended it for the Punjab. They certainly know more fully the value of such co-operation as we in this Council have rendered. The reactionary provisions which have been recommended by the Joint Parliamentary Committee should not be incorporated in the Act. I do not say that these are the only things which should not be included in the Bill, I say that we must improve the scheme of the White Paper, and this was what I suggested when the White Paper was being discussed in this House, and I again say that the principles included in the White Paper should be liberalized and should be widened rather than narrowed. In Parliament the Government commands a majority and it should not be afraid of any die-hard element. Once the Act is passed, these people will be reconciled. They cannot raise any hue and cry, whereas a widening and liberalising of the scheme outlined in the White Paper will make the people of India more grateful and more contented and more loyal than they are at present. If you want contentment and loyalty and want to remove disaffection against the Government, liberalize the constitution rather than listen to die-hards in England. This will be the wisest act of statesmanship. I would have said a good deal more, but as my friend Mr. Nanak Chand Pandit wishes to say something, I make room for him and resume my seat.

Sardar Sampuran Singh (Lyallpur, Sikh, Rural): Sir, at about the end of the second Round Table Conference there was a rumour afloat that

[Sardar Sampuran Singh.]

His Majesty's Government intended to give autonomy in the provinces, but they did not mean to do much in the way of giving responsible Government at the centre. Several inquiries were made, as a matter of fact the responsible Ministers of the Government in England even inquired from several members of the Round Table Conference as to what they thought if the autonomy of the provinces were given and the question of responsibility at the centre were considered later. If my information is correct, I can say that practically all the delegates at the Round Table Conference said that the autonomous Government will not work in the province unless responsibility is given at the centre as well. But the British Government has found a very clever way of making provincial Governments work the reforms without giving anything at the centre; because the picture which is drawn before us of the Federal Government, it appears to me, may not materialise at least in our lives, in the form in which it is pictured in the Joint Parliamentary Committee Report. Every day we read speeches from several Rajas and Maharajas in which they definitely declare that they would not like to have any kind of interference in their respective States, but at the same time, we know, that they want members from their States to come to the Federal Assembly and have voice in the governance of British India. His Majesty's Government we know stand committed and cannot very well ask their Highnesses to allow the Federal Government to interfere with their State affairs or they would not allow them to interfere in the affairs of the Government of India. This one point if we consider seriously should assure us that Federal Government, as it is outlined in this Report, is not going to come into existence in this country. Therefore, how I read the situation from this Report is this, that you are going to have autonomy in the provinces as it is outlined in this Report whether you call it autonomy or not, but this is what you are going to get, but so far as responsibility at the centre is concerned it is yet only a pious wish. At the Round Table Conference your representatives, if I may call them so, unanimously declared to the British Government their intention to have nothing in the provinces unless something substantial was given simultaneously at the centre as well; and I think so far as the national aspirations are concerned the position is the same to-day as it was then. Again, so far as giving of responsible Government in the Punjab is concerned I may submit that the whole of this Report is based on the communal decision of the Prime Minister. I intentionally avoid the words "communal award" because as a lawyer I would say that an award is always given by an arbitrator, and I being an eye-witness of the whole affair declare on the floor of this House that the Prime Minister was never given the power to act as an arbitrator. He was only given that power as a last resort not to act as an arbitrator, but to give his decision because otherwise there was no other solution, and that too he was asked to do so as a head of the British Government. So, I would call it a decision or an order or a judgement, if you like it, but it was never meant to be an award, and it is not an award. According to this decision we find that in this province separate quotas are fixed for different communities. Without mentioning any names I may say that one community has a definite quota which constitutes and is bound to constitute a majority in any House which is going to be elected in the Punjab. (*The Honourable Revenue Member: Question.*) That statement of mine is ques-

tioned. I am not going to enter into any argument on this point. But all the same I am sure of my ground, and I will be quite willing to argue the point later on with any gentleman who questions that statement that that is going to be the effect. Undoubtedly this is the fact. The question then is, that one community is going to be a permanent majority in the Council, and that majority is going to be elected by electorates which are separate and not joint, i.e., constituting only of that one community. (*The Honourable Minister for Education*: Only 49 per cent. by separate electorates. That is not a majority.) I know that. A House composed of a majority of one single community based on separate electorates cannot take us very far in the way of developing self-government in this province. I would not object to having any single community in the majority in any House for if they are in the majority in a province why should they not have a majority of seats in the House? But the question is this that that is not the proper door for entry into the legislature of the province, I mean the separate electorates. Let there be chance for not only people of one community but of all communities combined to have any majority which they want in the House. As long as that opportunity is not given to us, we can never develop responsible government in this province with the help of this constitution outlined in the Report before us. Therefore I say that any reform or any constitution which is based on this communal decision cannot lead us very far. (*The Honourable Revenue Member*: Who shut that door? Ourselves.) I do not answer that question. Let somebody else answer that.

There can be two kinds of constitutions which would be welcomed by this country, an autonomous constitution or a constitution which contains within it the seeds of autonomy which can develop into a big plant in course of time. I would even be satisfied with the latter, but I do not find even that seed capable of development in the Report before us. For every little step which you would like to take forward you will have to refer to the British Parliament. Every time you wish to effect a change, this constitution will have to be carried back to Great Britain to be reformed, something to be added to or subtracted from it. Even if we had that power of development in regard to the constitution which we are now getting, perhaps there would be some consolation in that. A government can be called independent or autonomous if its executive is independent, if it has control over its finances or if the head of the Government is responsible to the representatives of the people. Neither of these conditions is fulfilled by this Report. The executive is constituted no doubt of elected members of the House, but their powers are very much limited by the special powers given to the Governor. The Governor will have the power to veto any Bill which the legislature may pass. If the legislature is required to pass but does not pass a Bill the Governor is empowered to certify it. In the same way the Governor can override any act done by any of his ministers. This scheme is supposed to be based on the analogy of the constitutional position of the King of Great Britain. Everything emanates from the Crown according to the constitution of England. In the same way everything which is done in the province is supposed to emanate from the Governor, and he will have absolute controlling power. But I maintain that that analogy does not apply to this country. In England the Parliament as it has grown during several centuries has developed the tradition that the leader of the majority party in the

[Sardar Sampuran Singh.]

House of Commons advises the King to accept certain members of that House or the House of Lords to constitute his cabinet, and those ministers together with the leader of the majority party whom they afterwards call the Prime Minister make the Government of the day and the King has to abide by the advice of that ministry. If we apply that analogy to this country it would have no meaning whatsoever because though in theory everything comes from the King, as a matter of fact everything comes from the responsible legislature in England. Here that is not the case. Even the ministers here have to be appointed by the Governor and not by the leader of any majority party in the House. So neither the formation of any cabinet nor any decision of the legislature will go through unless the Governor's good-will goes along with it. Under these circumstances I do not think that there is, in any sense, either so far as the executive or the control of finances is concerned, any responsibility conferred in the provincial government.

There is, however, one bright feature in the whole affair, and that is this, that the attitude of the British politicians has taken a favourable turn. Only some days ago we read in the papers that in a meeting of conservatives a resolution proposed by Mr. Churchill was defeated with a very large majority. That indicates that the mentality in Great Britain has changed. Therefore when we find that in such large meetings where every one cannot be supposed to be in touch with Indian politics, such a resolution is defeated by such a large majority I feel confident that the angle of vision even in that country has changed. Therefore if we still try to press our case with ability, force and unanimity I think perhaps we would not be too late to get the things remedied. As my friend, the honourable member, Sardar Habib Ullah said, only a short while ago, it is not yet too late that we may be able to get something substantial in place of the Report which is before us.

I quite agree with the authors of this Report when they say that dyarchy should go. According to this report dyarchy is really going to disappear but all the power is going to centralise in one person and that is the Governor of the province. With these few words, I support the motion moved by my friend, Sardar Habib Ullah.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan (Revenue Member) : I have listened to the speeches of the previous speakers with great interest. I cannot say that I can congratulate the mover of the first motion either on the wording of his motion or on his speech. Apart from the fact that the major portion of his speech seemed to be either uninformed or else a deliberate distortion of the Joint Select Committee proposals, I do not take an uncharitable view and fancy that the misunderstanding is due to the different interpretation put by him on the various clauses in the Report which is opposed to the general trend of public opinion in the province. Does he realise that the motion which he has put before this House might do an immense amount of damage to the cause of his country? Has he forgotten that there is a section of extremists in England also waiting to grasp at opportunities provided by such loose speaking to strengthen their position with a view to thwart the legitimate claims of India? Is he not aware that in spite of the fact that the present Government in England commands the largest majority which any British Government has commanded during recent years, they are

having considerable difficulty over the India Bill and will find it even more difficult to pilot the Bill through the Houses of Parliament, if the die-hards are provided with powder and shot by such ludicrous speeches? It is for this reason that I regret the motion which the honourable member has put before the House, and I hope that honourable members will keep this aspect in mind before them not only when giving expression to their views but also at the voting stage if the various motions are put to vote. The speeches of the other speakers, Sir, have followed more or less the line adopted by the press and the critics outside. I do not for obvious reason include in this category those who are wedded to a policy of unreasoned and unqualified opposition. We all know that they would have in any case rejected the Report in whatever form or shape it may have emerged from the Joint Select Committee. As in the case of the Montford scheme and of the more recent White Paper proposals they had prejudged the issue long ago and had decided to have nothing to do with the report or the subsequent legislation which is to be based on the recommendations of the Joint Select Committee.

Those who subscribe to this point of view will not be content with anything short of independence. It is futile to argue with them over the merits or demerits of the White Paper proposals or the report of the Joint Select Committee. It is equally fruitless to try to point out to them that what they desire is impossible of attainment. What they want can be achieved by physical force alone, and no sane person can have the audacity to assert that that is a practical proposition. But assuming for the sake of argument that it is possible for India to turn out the British from this country, to use the pet phrase of the extremists—"bag and baggage"—by force, what would happen when they have gone? Can any one guarantee or have the temerity to predict that when the Britishers have left this country, peace and prosperity and tranquillity will continue to prevail, and that chaos and anarchy will not re-appear? The past history of the country gives a very clear answer to that question. During the past thousand years or more the two most prominent phases in our history have been internecine warfare or foreign aggression. We have either been fighting among ourselves or else been ruled by outsiders. Any impartial student of history will unhesitatingly say that the brief spell of comparative peace and calm can be attributed only to the personality of benevolent but strong despotic rulers. Let me make myself quite clear. I am not putting forward a plea for despotism, be it foreign or indigenous. My object in citing these facts is merely to enable us to take stock of the situation by comparing it with the past and to visualise the development promised in the Joint Parliamentary Committee Report in their true perspective. It is time we divorced our thoughts from mere impracticable idealism and faced facts like practical men.

It would not have been necessary to refer to this aspect of the question at all; but, unfortunately, the attitude adopted by the extreme section of our own countrymen is likely to be mis-construed and made capital of by the extreme section of die-hards in England. It is therefore necessary that we should make it clear beyond doubt that the vast majority of people in this country do not endorse or countenance the views and methods advocated by the extremist minority in this country. It is equally necessary

[Hon. Capt. Sir Sikander Hyat-Khan.]
to make it clear to the extremists in England that India views with grave misgiving and mistrust their attempts to thwart its legitimate claims and demands for political advance and strongly resents the obstructionist policy adopted by them. It is our duty to warn them that the tactics adopted by them can have only one effect—that of alienating the sympathy of the moderates and creating bitterness and hostility against Great Britain. If their professions to save India for the Empire are genuine, then let me tell them, with all the emphasis that I can command, that the course they are pursuing is the surest way of defeating the end they have in view. I appeal to them as also to that section of my own countrymen, who stand at the other extreme, to bear in mind and act up to that well known Arabic saying :—

خیر الامور اولها

In moderation lies the path of wisdom and safety.

As I have said, a change in the form of government by physical force must once for all be ruled out as outside practical politics. Even the Congress does not advocate such a course. Indeed, its decision to enter the legislatures and its general trend of policy during the past two months indicates a desire to return to constitutional methods, which is a hopeful augury for the future. The only other practical alternative to my mind is the one which has been pursued hitherto—

Chaudhri Afzal Haq : On a point of order, Sir. How long will we hear this thesis on Constitutionism ?

Mr. Deputy President : Is that a point of order ? The honourable member can speak as long as he likes.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : I was saying that the only other alternative to my mind is the one which has been pursued hitherto and which it is proposed to follow in the future, namely, the attainment of self-government by progressive and peaceful evolution. Let us for a moment pause and examine how this method of advance by progressive stages has worked and what it has achieved so far. Since the assumption by the Crown of responsibility for the government of this country, this country has, broadly speaking, passed through four distinct phases. During the second half of the last century and the first few years of the present century we were passing through the educational phase. I would further divide this period, the first half into elementary and secondary educational stage and the latter into higher educational stage which culminated in the post-graduate stage with the advent of the old Imperial Legislative Council. [An honourable member : What has that to do with the Report?] I am just telling you how by gradual steps we have come to the present stage and that we are now going to enter upon a further stage. [An honourable member : There is no question of a further stage or of future steps in this Report]. Please try to understand. This stage, I mean the educational stage, has been naturally a protracted one, but the stages which followed have followed in rapid succession. The next stage dates back from the date of Minto-Morley Reform, and I would describe it as the apprenticeship period. That in turn was followed by the present Montford Reforms, and this can be cited as the junior partnership stage. We are now on

the threshold of a further stage during which we are to be entrusted with almost complete control and management of our affairs in the provinces.

This gradual and progressive evolution can be compared to a well run business concern in which apprentices are first trained and then appointed to posts of responsibility. They then become junior partners and eventually in the course of time senior partners. We are about to enter the stage when the senior partner is prepared to hand over complete control of this vast business concern to the junior partner, and to content himself by retaining only a watching interest through a chairman in the person of a Governor. It would be the duty of the chairman to advise and assist, when necessary; his mature experience and knowledge would always be at the disposal of the directorate, that is, the ministers. They later will always be in a position to seek advice or assistance whenever they stand in need of it in the discharge of their onerous and responsible duties. It is in this light that I visualise the new constitution promised in the White Paper proposals as modified by the Joint Select Committee's Report, and it is from this aspect that I ask you to look at the safeguards which have been made the target of intensive adverse criticism during the past few weeks.

Now let us examine the safeguards which indeed are nothing more than constitutional checks which you find in the constitutions of every democratically governed country. In some you find these checks incorporated in the written constitution. In others, like Great Britain, you find them in the unwritten law and conventions on which the political structure of these countries is based. The checks proposed for inclusion in the Indian Constitution in the provincial sphere, broadly speaking, are meant to ensure first, peace and tranquillity in the province without which orderly government would be impossible; secondly, immunity from terrorist activities and the dangers which it entails; and, thirdly, a fair deal to the minorities. In the federal sphere additional checks have been provided for the purpose of securing financial stability for the country as a whole and to avoid commercial discrimination against Great Britain—the senior partner who is going to divest himself of power and to entrust the destinies and management of the affairs of this country to Indians themselves. I have intentionally omitted from the federal list safeguards relating to defence and foreign affairs as the reservations of these subjects during the transitional period has been accepted, generally speaking, by all political schools except a small recalcitrant minority.

A dispassionate view of these checks should convince even the most pessimistic amongst us that their application would be necessary or be possible only if the ministry of the day fails to discharge its responsibilities efficiently and justly. No one will deny that it is, and will continue to be, the duty of the government to see that peace and tranquillity of the province remains undisturbed. It would also be the duty of the future ministers to stamp out terrorism if it raises its head; and it would be no less incumbent on the ministers to watch that the legitimate interests of minorities are not in any way affected or overlooked. It follows therefore that if the cabinet continues to discharge its functions in a responsible and efficient manner—and so far as our province is concerned I have no doubt whatever that they will do so—it would not be necessary for the Governor to interfere or put those checks into operation, indeed it would amount to a constitutional

[Hon. Capt. Sir Sikander Hyat-Khan.]

trespass if he does so. But if, unfortunately, for any reason, the ministers fail to discharge their duty honestly and diligently in regard to these matters, or abuse their powers, then surely it is necessary that there should be some sort of check to save the province from the consequences of their inefficiency or inaptitude to govern, which might conceivably take the form of widespread disorders leading to general insecurity and chaos and even bloodshed. So far as the Punjab is concerned, I can confidently prophesy that such a contingency is not likely to arise, and therefore these special powers will remain in abeyance and eventually be relegated to the background as merely of academic interest. But in a constitution provision has to be made for exceptions and every conceivable contingency; it would therefore be unreasonable to condemn this Report on that score.

While I am dealing with the question of safeguards I might profitably quote from the majority Report of the Punjab Reforms Committee an extract which is germane to this subject. I may incidentally remind the House that the members of this committee of which I had the honour and privilege to be the chairman were elected unanimously by this House. It is true that this report was written some six or seven years ago, but the main considerations and the principles on which it was based still hold good. This is what the committee said :—

We visualise the Governor as the constitutional head of the Government in the province under the revised constitution. We, however, consider that it would be necessary for him to have a considerable reserve power which he may be able to utilise in cases of emergency, and to check any violation of the provisions of the constitution. We believe that he will, if at all, require to use these reserve powers on extremely rare occasions; and in time these reserve powers will gradually fall into desuetude for want of occasions for their exercise. * * * We agree with the official members of the Punjab Government that the Governor must have the power, in the last resort, of temporarily taking over the administration in case of a breakdown of the constitutional machinery

Again—

We consider that the safeguards proposed by us will provide adequate protection against any unconstitutional tendencies on the part of the legislature or the Ministers. The powers of veto and interference vested in the Governor in the legislative and the financial fields, furnish further safeguards against any breakdown of the constitutional or legislative machinery. On examination it will be found that those powers are so extensive and complete that they fully cover all the various spheres of administration in the province, and contain adequate provision for safeguarding the interests of the minorities if and when necessary.

I submit that the recommendations of the Joint Select Committee do not go any further than what the representatives of this House themselves recommended. In view of what I have said I trust that I have made it sufficiently clear, that in the first place constitutional checks are a necessary ingredient of every constitution, and, secondly, that they cannot be put into operation so long as the ministers continue to carry on their functions honestly, efficiently and diligently.

Another matter which has aroused a great deal of feeling and criticism is the substitution by the Joint Select Committee of the method of election from the direct to indirect in the case of Central Federal Legislature. This question has been the subject of a great deal of controversy ever since it was

raised before the Simon Commission six or seven years ago. A great deal can be said on both sides, and I do not propose to repeat the arguments in support of the recommendations of the Joint Select Committee, because they have been adequately and exhaustively dealt with in the report of the Simon Commission as well as the present Report. But I should like to point out just one fact, and that is that the recommendation of the Joint Select Committee makes it quite clear that this method—, i.e., of indirect election—is going to be an experimental measure only, and that the legislature will have the power to recommend a change if after fair trial it is found that the method has proved unsuccessful. So, there is no danger of its being permanently established if it subsequently proves to be unsatisfactory or unworkable.

I have dealt briefly with the more important points on which the Report of the Joint Select Committee has been criticised. There are several other points of detail on which some of my colleagues on these benches will throw light when they take part in the discussion. But the criticism of the Joint Select Committee's Report is mainly confined to the three important points I have dealt with, viz., safeguards, indirect system of election and reservations in the central sphere.

Before I resume my seat I should like to say one word about the future if I may do so. It is my fixed conviction that when the new constitution comes into force the parties in this province will be based on economic and political basis and will cut across purely communal and religious divisions. But to make sure it would be as well to start preparations from now. (*Hear, hear.*) Instead of frittering away our energies in making futile attempts to get a modification of the proposed constitution, it would be much more useful if those energies were directed towards creating a better atmosphere and in bridging the gulf between the various communities, and creating a spirit of cordiality and good-will in the province in readiness for the future reforms. My parting advice to my Muslim brethren would be that they must do everything which is possible for them to do to cultivate the good will and confidence of the minority communities in this province. (*Hear, hear.*) They should try to convince them both by word as well as by deed that the interest of minorities will be safe in their hands. Then must satisfy them, that they will watch and guard the interests of minorities even more jealously than their own. They must not hesitate to give them their legitimate share, and more in order to establish mutual good-will and confidence. My appeal to my Hindu and Sikh brethren is that they should try to put aside feelings of suspicion and distrust and to join hands with their Muslim fellow-countrymen in the service of their province and their country. They should both remember that confidence begets confidence. (*Cheers.*)

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural): There are two motions before the House, one which asks the House to reject the Joint Parliamentary Committee's Report and the other which asks the House to declare that the recommendations are disappointing, unsatisfactory and inadequate. I may at the very outset tell the House that I propose to support whole heartedly the motion moved by Sardar Habib Ullah, that is, the latter motion. I do not think that it is practical politics to reject the report. People who talk about rejection do not know their own minds. If by rejection they mean that they are not going to enter into

[Mr. Nanak Chand, Pandit.]

the legislature which will come into existence as the result of the new reforms, then I can understand the meaning of rejection on their part. But if after entering those legislatures they intend to carry on agitation for greater reform, then the meaning of rejection loses all force. Moreover, it is not in the power of the people of India to reject a report of this kind. They cannot do so. Rejection means certain sanction behind it. That sanction does not exist. Therefore under the circumstances we must very carefully examine the merits and demerits of this Report and intensify our agitation to get a modification of those things which we dislike intensely in this Report. I find that in this Report there are many great and big things which should receive general approval of the people of India. At the same time I am prepared to admit that there are many grave blunders committed which we should get rectified.

Before I actually deal with the recommendations I want to place one or two facts before the honourable members of this House so that they may be able to understand why the constitution proposed is a ram-shackle constitution, a constitution which will have to be worked with the greatest possible care. It is a very delicate instrument which will require careful handling

4 P. M.

on the part of the people who work it. Otherwise I am afraid the constitution is bound to break. These defects in the constitution are due to the various conflicting matters with which the Joint Parliamentary Committee was dealing. First of all there is a great conflict of interests which the Joint Parliamentary Committee had to reconcile somehow or other. Consider first of all the conflict of interests between the British and the Indian. Consider again the conflict of interests between the Hindu and the Muslim, the Anglo-Indian, Christian and men of various castes and classes who claimed special privileges for their own caste or community. Consider again the conflict of interests which had to be reconciled between the British India on the one side and the Princes of India on the other. *Inter se* between these communities there are other various matters of smaller importance where there is a conflict of interests. That is one very important point which must be borne in mind when we are closely examining the Joint Parliamentary Committee's Report. Then, Sir, look again at the immensity of the problem.

For the first time in the history of the world, you have a constitution or the outlines of a constitution which has never been attempted before. You have nine provinces, some of them much bigger than the biggest European States; you have 600 native states from the biggest to the smallest, from the Nizam of Hyderabad to the smallest of princes, some of whom own a few acres only and yet enjoy sovereign rights.

These 600 states and 9 large provinces have to be brought into one constitution. This, I submit, should not be forgotten. This immense task had to be handled by foreigners, people whom we could not possibly claim to be Indians and I should like here to pay my tribute to them that this work was done with scrupulous honesty. Indeed nobody can escape prejudices which are inherent in human nature, which are due to tradition and education. But nobody who knows anything can doubt that Sir Samuel Hoare, Lord Irwin, Mr. Butler and others brought on to their task an impartiality which I find rare amongst men.

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

I must pay a tribute to Lord Lothian on the floor of this House who alone fought for these voiceless millions and gave them certain rights which would otherwise have been denied to them. My special thanks are due to Mr. Seymour Cox, a labour member, who tried to understand some of the problems and some of the recommendations put forward by me alone. I find some of them accepted and incorporated in the Joint Parliamentary Committee Report. Therefore, if it is said that the members were not prepared to consider carefully the suggestions placed before them, I must strongly repudiate any such insinuation.

Undoubtedly some of the recommendations have been put in to please the die-hards. The Report has gone back on some of the very good recommendations made in the White Paper. But who is to blame? There was nobody to counteract the agitation carried on in England by the die-hard element which was against any large reform. The most advanced political party, the best organised party in India boycotted the deliberations of the Joint Parliamentary Committee. If they had chosen to send their representatives to this Committee the report would have been written in a different way and the constitution would have been differently framed. This is the experience which I wish to place before the honourable members of this House. Therefore I would submit this word of advice to those people who are the best organised political party in India, that they should try their utmost to see that the defects of this Parliamentary Committee's report are removed and they are not intensified. There is a great danger if there is no political agitation in England in order to improve the Joint Parliamentary Committee's Report.

Now, I would very briefly state to the House what I regard as the greatest contribution to the constitution-making of India. First of all I submit this, that the all-India Federation with responsibility at the centre is one of the biggest things promised to India in that Report. Never before had such a recommendation been made by any political party either in India or in England. The Report, therefore, takes precedence and is superior to the Report framed by the Indian National Congress or any other body. It is a much bigger document than the Simon Report because an all-India Federation, though there was a glimmer of it in that report, was not promised us as a practical proposition in the near future. Therefore the promise now of an all-India Federation with all the Indian states included is one of the biggest political contributions to the constructive thought of India, and we must, therefore, see that this idea or this outline should not recede further and further, as I greatly fear it will recede unless there is a proper agitation on constructive lines both here and in England. This constitution has been criticised by certain sections of the Indian public on the ground that autocratic States could not work side by side with democratic British India. There are princes autocratic and despotic who would send their nominees and the good work which would be done by the British Indian representatives would not be permitted to be done by these autocratic and despotic princes. But we must face facts. If there is going to be an all-India constitution, the princes must be brought in the picture, and you cannot possibly by any amount of agitation in British India convert these princes who have enjoyed autocratic powers so long to give up those powers and accept the democratic ideal. My feeling is that by coming into contact with British India the

[Mr. Nanak Chand Pandit.]

States are bound to have democratic institutions in the near future. The influence created there cannot be limited to the Council chambers, but it must extend to the Indian States and their subjects. That, I think is the greatest political contribution made to the constitution of India by the Joint Parliamentary Committee. The next best thing is that provinces are going to be autonomous, namely, power will pass from official hands entirely into non-official hands. One important fact in this connection must not be missed. These new councils in the provinces are going to be broad based on a very large and extensive franchise. They are not going to be nominated bodies but the members are to be returned to these legislative assemblies of the provinces by a large electorate, five times as much as we have got today. There would be 4 crores of men who would be enjoying the franchise under the new constitution. There would be more than 70 lakhs of ladies who would have franchise under the new proposals. The tremendous impetus that democracy will receive will sweep off the safeguards about which we talk so much. If rightly and properly controlled the electorate will greatly strengthen the desire for freedom and the Governor's powers will have to recede to the background. The only thing needed is that these 4 crores of men would have to be rightly controlled and led. If they are not rightly controlled and led, the future constitution might be disrupted and might be torn assunder by fanatics. This large extension of franchise I consider is of supreme importance to the future of India. Even under the franchise recommended by the Indian National Congress, you cannot possibly organise such a big and large number of men who would exercise their vote, and I ask you to take into consideration this immense, this vast, this large crowd of men who have been living as mere helots and who would now have the right to vote and who will be given the power to determine as to who will rule them in future. These social inequalities about which we hear so much are bound to disappear. A Brahmin will have to seek the vote of a sweeper or the great Pathan or Rajput will have to seek the vote of a Mochi for being returned to the Council. The social inequalities and injustices which are now existing are bound to disappear when the new constitution with that large and extensive franchise comes into existence. We must, therefore, give great credit to the Parliamentary Committee because I know the tremendous agitation that was carried on in England and in India by that die-hard group which wanted to have a very limited franchise. People when they talk of defects should realise that but for the liberal and the very sympathetic treatment accorded to these matters by the members of the Joint Parliamentary Committee, this franchise could have easily been cut down and reactionary proposals could have easily been recommended. I therefore say with a full sense of responsibility that this great extension of franchise is a great contribution to the future of India. Then there are the safeguards about which we have been talking so much. I will deal with them later on.

But there are one or two points which I wish to place before the House as I regard them as the most serious defects in the constitution. First of all, I may say plainly and frankly, and I have said so in England and I say it here, and now, that the Report bears many signs of anti-Hindu prejudice. Take the case of second chambers. The second chambers have been imposed on the big Hindu provinces, except Bengal where British interests predomi-

nate. The second chamber is given there also. In Behar and in the United Provinces and in Bombay and Madras, big Hindu provinces, second chambers are going to be imposed, and they are imposed, according to these gentlemen, in the interests of the minorities. (*Honourable members* : No, no.). That I think is a very great blunder so far as the Hindus are concerned. (*Interruption*). My friends would like me to quote chapter and verse. I appeared in the witness box, and I was cross-examined. I was put some questions with regard to the second chambers in the Punjab and I want to read out to my friends the questions and the answers to them :—

Pandit Nanak Chand speaks with considerable apprehension of the future of minorities. Does he think that a second chamber in the Punjab, where the communalities might be expected to be somewhat less keen, would afford some protection to minorities? (Pandit Nanak Chand): The question is: On what lines is the second chamber going to be framed? If the second chamber is going to be formed on lines on which the lower chamber is recommended, I am afraid it would be entirely of no use to us—to the minorities.

This was the second question—

Would you accept, Pandit, that as communalities begin to die out they would die out in the more highly qualified assembly—the Second Chamber first?

Answer :—My experience is this, so far as the Punjab Legislative Council is concerned : The more highly educated a person is the larger is his desire for communal domination. I am afraid I can see no time when with these communal electorates there would ever be a growth of harmony or of national spirit. I am not one of those who say, " we are going to be punished and if so let Muhammadans be punished too".

Second chambers are a reactionary measure and a retrograde measure and they should be done away with in those provinces also (*hear, hear*) (*Interruption*). I did not want it for the Punjab. But the imposition of second chamber in Hindu provinces is the greatest evidence of anti-Hindu prejudice which is to be found in this Report. The second is that so far as the communal decision is concerned, it is accepted by the Joint Parliamentary Committee. That also I regard as a great proof of anti-Hindu prejudice. I am not saying that any other community is responsible, but this is my honest belief and it is shared by almost every Hindu who lives in this province or outside this province that the communal decision given by His Majesty's Government based upon separate electorates is due to anti-Hindu feelings. First of all you will see that in the centre the Hindus from a position of majority, i.e., 70 per cent. are reduced to a minority of 42 per cent. In Assam, they have been reduced to a minority, in the Provinces of Bengal and the Punjab they do not get even their population basis quota, not to talk of weightage, as given to other minorities. I have regarded these separate electorates with the greatest possible apprehension, and I have got those misapprehensions even now, inspite of the advice given by the Leader of the House, that that advice will remain unheeded, that it would be beyond human power and human ingenuity to control religious firebrands who would be going from place to place during the time of elections, infuriating and inflaming the public mind in order to win support for their candidates. This is a fact which has been noticed in the past and which is bound to be repeated in the future and it was expected that members of the Joint Parliamentary Committee, fully conversant with the facts of the case that were placed before them, should have at least in provinces where the Hindus are in a minority accepted their desire for joint electorates instead of separate electorates. This has not been done. I know of a certain

[Mr. Nanak Chand Pandit.]

stage in the deliberations of the Joint Parliamentary Committee when the view was taken by some of the most influential members that so far as Bengal and the Punjab was concerned the decision required modification. But unfortunately that recommendation or that desire on the part of honourable members of the Joint Parliamentary Committee was not accepted by the Government of India and instructions seem to have gone forth from this place that they shall accept no responsibility if there is the slightest modification of the communal decision given by His Majesty's Government. Such a man as Lord Salisbury definitely stated on the floor of the House of Lords that the Hindus were most unjustly treated, Colonel Wedgwood speaking from the other extreme supported the same view and there is not the least doubt that the decision given by His Majesty's Government would not appeal to even the most liberal-minded Hindu. It is clear that this decision has been given only to punish the Hindus.

My apprehension is that this constitution which contains many good things will be disrupted and destroyed by that poison which is contained in this recommendation. When I blame these gentlemen who have drafted this Report, I cannot help blaming ourselves also. Indeed nobody can expect that, when Sir Sikander Hyat, Chaudhri Chhotu Ram, Sardar Buta Singh and Pandit Nanak Chand cannot agree, the statesmen of Great Britain would be ready to meet our wishes. It is a great pity and a great shame that we have not been able to find or evolve a scheme for the protection of minorities or give proper representation to all people without resorting to a destructive formula as contained in the Joint Parliamentary Committee Report. Indeed there are signs and there are hopes that if another effort is made and the people come together, the British Parliament is bound to accept that formula which will be acceptable to us. At this time, therefore, there is this appeal which I hope my friends will seriously consider that they should not leave any effort untried to evolve a common formula for the protection of minorities. That is the second proof that this Report bears an anti-Hindu prejudice. In fact this was stated on the floor of the House of Lords and also in the House of Commons by the Honourable Lords and Members of the Committee who made statements in their speeches. It is even now up to the Government to make recommendations that the grave injustice contained in the communal decision should be rectified. If there are minorities in this country, they are not confined to Europeans, Muhammadans, Anglo-Indians and the Christians, there are Hindus and Sikhs as well. No formula should have been evolved which could not have been applied to all communities equally. If my words could be read by the members of the House of Commons they should be read by them carefully that this is our earnest appeal that whatever the formula it should be a common one and it should be a fair one equally applicable to all communities. The Hindus should not be singled out for punishment because some of them have been too patriotic, because they were in the vanguard of the political movement, because their sons and daughters undertook to fight for India's freedom and liberation for which sympathy is felt all over the world and even in England. It would be a very mean act to do if England were to teach Hindus a lesson by giving them second chambers by giving them communal formulas and decisions which will not stand the test of

examination even for one minute. You must remember that all Hindus are not terrorists and are not out to murder. It would be a shame if every-one of them were to be punished. That I say is one of the greatest defects of this constitution and, I am reminded that the honourable members of the Joint Parliamentary Committee point out to us that constitution in England has succeeded because there were four things which contributed to the success of their constitution. They should attempt that these four things are also reproduced in India. At page 11 of their Report they say—

Parliamentary government, as it is understood in the United Kingdom, works by the interaction of four essential factors: the principle of majority rule, the willingness of the minority for the time being to accept the decisions of the majority; the existence of great political parties divided by broad issues of policy, rather than by sectional interests; and finally the existence of a mobile body of political opinion owing no permanent allegiance to any party and therefore able, by its instinctive reaction against extravagant movements on one side or the others to keep the vessel on an even keel.

These things cannot be reproduced in India with communal electorates. The blame should not be placed on the shoulders of Indians if after 10 or 12 years they are not able to work the constitution successfully because they lack in capacity for working democratic institutions. In order to create these four things which are necessary for Parliamentary Government not only in Great Britain but also in India, it is essential that this question of minority protection should be settled and there should be a modification of communal electorates.

Now I want to say a few words with regard to safeguards about which a great deal has been said. As I have already submitted, most of the safeguards which have been put in by the Joint Parliamentary Committee were not contained in the White Paper, but due to the fact that there was an intensive propaganda in England by die-hards and there was no propaganda as against that die-hard agitation the result has been that the Government felt itself unsafe, it could not produce evidence to say that Indians are dissatisfied with these safeguards and if the die-hard recommendations were accepted the Bill will not be acceptable to Indians. It was therefore a very grave situation which the Secretary of State had to face. These safeguards had to be made real and effective and it was no use having ineffective safeguards. In spite of the great courage which Sir Samuel Hoare showed on these occasions, the Committee had to yield to the agitation carried on by Mr. Churchill and his party and if the Bill had to go through the House of Commons without that support which should have been given to it, what could the Secretary of State or the Government do but accept those suggestions made on the other side? Surely we cannot blame them for our faults, i.e. for not having carried on a counter propaganda both in England and in India against these safeguards. The cry of the Indians that England must be turned out of India strengthened the hands of those die-hards in England. If this was to be the fate of the British in India under the new constitution, was it not better to accept the recommendations of the die-hards and thus win support for more moderate recommendations. It was most unfortunate that at the right moment, at the moment when we should have concentrated all our forces and should have brought our influence to bear on the British Parliament or the Joint Parliamentary Committee, there was no counter agitation and the liberals and other representatives of communal bodies

[Mr. Nanak Chand Pandit.]

who went to give evidence or to take part in the deliberations of the three Round Table Conferences did not possess the same representative character as the nominees of the Congress or the Congress representatives. Thus I think the Gandhi-Irwin Pact has been torn to pieces because the Gandhi-Irwin Pact definitely stated that the safeguards would be in the interests of India, and recommendations made with regard to British trade and commerce are certainly in favour of Great Britain. And therefore if my advice could be heard and accepted, I would say this, that we must concentrate on this one particular purpose and not merely reject the Report.

Then there are other safeguards, some of them demanded by members of the minority community. If you are going to have separate electorates and men returned through communal doors to the legislature and if laws and legislation are going to be passed inflicting injury on the minority communities, who is to safeguard the interests of such communities? If election to the provincial legislatures is going to be through unadulterated communal departments, I ask honourable members here, who is going to take care of the interests of the minorities if the majority in its wisdom sees fit to injure the interests of the minority? That is an important point. The constitution must give protection to the minorities. It might be that there must be a clause in the constitution which should prevent discrimination between the minorities and the majority. That unfortunately has not been considered by the members of the Joint Parliamentary Committee to be a practical proposition. But should there be or should there not be a specific provision to that effect whenever the interests of minorities are threatened? Honourable members who belong to various communities and who represent the various communities in this chamber should pause and consider over this problem which was placed by us and by others who belonged to the minority communities before the Round Table Conferences. Indeed we wanted protection by the elimination of communal electorates. But there is this dilemma, there is this problem that has to be faced and it must be faced if India is to advance on democratic lines or if protection is to be given to all communities alike. This important point I wish to place before honourable members who represent the majority community here and also before the Members of Government. You must find some formula for the protection of minorities. I submitted before the Joint Parliamentary Committee that there must be an all-India Minority Protection Board. It should be a Government department and from time to time this Board or its members should undertake to examine whether in any province any minority has been injured or not and then come to a decision on these matters the final authority to give effect to such a decision should rest with the Governor-General. That recommendation—for whatever it was worth—was not accepted. However, that may be, we should recognise that this is a very serious problem. The Hindu minorities live not only in the Punjab. They are to be found in the North-West Frontier Province. They are to be found in the new province of Sind, and they are to be found in Bengal. Similarly Muhammadan minorities whom you may count on your fingers are to be found in other provinces. This then is the problem of problems. It must be faced by Indians, more by ourselves than by outside authorities. It is therefore up to us to make recommendations to the

Houses of Parliament saying, "Here are the safeguards which we want, which we have evolved. Governors shall have nothing to do with them except when there is grave danger to the peace and tranquillity of the country." I submit this for the consideration of honourable members who perhaps might take a different line of action. I condemn myself along with others who condemn us for this is a matter primarily for us to decide and not for the foreign government to settle for us.

Then there are other defects in the Report which I would state one by one so that they may be considered by honourable members who will speak after me. There is no promise of dominion status in the Joint Parliamentary Committee's Report. There is one very ugly feature of the Report and that is the system of indirect election. That is a method which must be repugnant to any democratic House, and I can say this that Hindus and Muslims, Liberals and Congressmen, all unite in demanding direct election to the Assembly. (*An honourable member* : No, no). Muslims also. I have read their memorandum. If the honourable member is talking of one or two individuals I am not speaking for them. The Muslims and Hindus demand direct election. It is demanded by all communities, by the Liberals and Congressmen, by every kind of political organisation that exists in the country. In fact at one time the recommendation was made to the Lothian Committee by our Franchise Committee that there must be indirect election to the Legislative Assembly, but at the final stage that recommendation was withdrawn and there was a unanimous demand made by the members of the Punjab Legislative Council who were represented on the Lothian Committee that there must be direct election and that is a plain fact. If India is to be one State and one nation that nation should be represented and not the nominees of those people who have been returned to the Provincial Councils. That is an important and fundamental fact and I would ask honourable members to concentrate on this fact, and to demand from the British Parliament that indirect election should not be substituted for direct. That is not the only reason. Under the present scheme Indians have enjoyed for over 12 years the right of direct election. It would be taking away the right of vote which they have enjoyed so long to substitute in its place indirect election which is a reactionary and retrograde measure. Indirect elections are bound to corrupt the Punjab Legislative Council, the Legislative Assembly and also the Central Government. Why? Fancy—I am only naming the Hindus leaving out men of other communities—fancy 42 Hindus sending their representatives to the Legislative Assembly. Some persons will see that their pockets are well lined before they vote. Such a thing has taken place in other countries. Indirect election has led to corruption. Votes have been bought, high prices have been paid. The corrupter and the person corrupted will corrupt the Government which is to be formed. That is a very grave danger and it was pointed out in the three Round Table Conferences and it was on account of the strength of opinion that even against the desire of the Secretary of State—Sir Samuel Hoare was in favour of indirect election—direct election was recommended and accepted in the White Paper. I may mention that Lord Lothian, a liberal and Lord Salisbury who represents the die-hards were distinctly in favour of direct election. The labour members were not in favour of indirect election. How is it that indirect election has been resorted to in the face of public opinion in India.

[Mr. Nanak Chand Pandit.]

and the liberal opinion in England supported by the die-hard public opinion whom Lord Salisbury represented ? Whom did they want to please by having indirect elections ? I can only say this that by this method of indirect election they are cutting at the root of responsible government which is going to be given to the legislature at the centre. Therefore it is essential that Government in the centre should be helped by a popular assembly and not an assembly nominated in a way by the representatives of the people in the popular provincial legislature. If you must have indirect election why not have it for the Council of State alone. Have indirect election to the Council of State and direct to the lower House and notice the difference between the calibre of the men who would be returned to the two chambers. If Indian liberty and Indian freedom is to find full expression I suggest this to those who want to reject the Joint Parliamentary Committee Report that they must concentrate on this matter. Unless they do so this reactionary proposal of the Committee will be accepted. Not only this. Even the Joint Parliamentary Committee Report, if you carefully read it, shows that the authors were apprehensive of the proposal, that it will not meet with support in India and, therefore, they have made it a temporary measure to be changed later on. I ask honourable members to go outside the House, speak to their constituents and create as much agitation as possible on this point. This I regard as the greatest drawback and the most reactionary measure now likely to be introduced and I urge that they must be made to revert to the proposal made by the White Paper in this behalf.

There is another point on which the Report will lack popular support. There is no promise as to the time when the federation will be brought into existence. Some have suggested that the princes should not be asked or forced to join the federation. My advice would be that we should force the princes to come into the federation and every possible effort should be brought to bear upon the princes who should be made to realise that the days of autocracy are past and that they should come to share the burden along with British India in framing their laws which are common to the whole of India and in bearing the burdens of common taxation. A time should have been fixed in the Committee's report for bringing federation into existence. I do not know whether the authorities here are trying to bring the Indian princes within the federation, but if they are not, our request should go forth that pressure should be brought to bear on the princes. The princes are exerting all kinds of pressure on their subjects, I am not saying this about all States, but only of some. You have only to realise how their methods of government are inconsistent with the progressive ideas of to-day. I would, therefore, in all seriousness request honourable members to concentrate their energy on this point. If by coaxing the princes or by creating some sort of agitation among their subjects they can arouse their desire or sympathy to come into the federation, such methods should be adopted. Of course I do not ask you to resort to unconstitutional methods. Only popular methods should be resorted to. Indian princes should thus be asked to come and it would benefit them to come in. They are entirely wrong if they seem to think that their coming into the federation will go against them in any way. They know that and that is the reason why some of them are not satisfied with the control which they have at the present moment. If they come in they would be showing India the path towards unity in this matter. That,

I submit, is a great defect in the Report and it should be rectified. If a new constitution is to be framed then even with or without the princes, the responsible federation should be brought into existence.

There is yet another defect and that is with regard to the army. I do not say that absolute control of the army should be given to us now. For, I cannot shut my eyes to existing facts. We cannot possibly say to the Britisher: "Take your bag and baggage; depart to your country. We have now grown wiser and we are going to rule." Nobody would give any serious attention to an appeal of that kind. We must remember that the British came here not to teach Indians the art of government but for the purposes of trade. But their sons have shed their blood for winning this Empire and it would be difficult for any one to demand that this sacrifice should be made. Here in the Legislative Council of the Punjab we have seen instances that if any community or any class had got any privilege or power it refuses to yield to any appeal either to reason or to justice. It would be too much to demand that the Englishmen who have made sacrifices should be asked to withdraw from India. On the other hand people in England should also know that this kind of rule cannot last for ever, that British rule in India as it exists to-day must come to an end. The nature of things is such that a foreign nation cannot go on governing another nation for eternity. The question is whether India will grow happy and prosperous under them, whether they will train Indians in the art of defending their country or whether they will depart and leave India a prey to foreign aggression. The scheme outlined in the Report should, therefore, have evolved a proposal by which control of the Indian army should have been conceded to Indians at least to a partial extent. Recommendations were made by the people that if any effective control, partial or otherwise is not given to us, at least the right to criticise the budget and so on should be given to us. But unfortunately the voice of the die-hards carried the day and unfortunately again if agitation is not organised with regard to the Indian army we are likely to have still more reactionary proposals than those already made.

This is with regard to the big defects. There is another thing which I wish to see incorporated in the constitution. I want to see a definite announcement made in the new constitution that the crutches by which the different communities now walk should be removed after ten or twelve years. It is no use saying that the communities should themselves find a solution and put it forward. I want a definite declaration to the effect that communal electorates should be given the go-bye, whatever the condition of the communities may be under the new constitution, after a defined number of years have passed. A declaration should be incorporated in the constitution—and I speak as a member of a minority community, not of a majority community—a definite announcement which will promise to the people of India whether Hindus, Muslims, Indian Christians, Sikhs or Anglo-Indians, that there will be no crutches of the kind which we are now going to be incorporated in the constitution. This is absolutely essential for the peaceful evolution of Indian self-government. If the communities or the representatives know that these communal crutches are going to be removed the result will be that there will be efforts for mutual good will and co-operation. But if it is asked that the communities should themselves bring for

[Mr. Nanak Chand Pandit.]

ward proposals, that is asking the impossible. If you give communal electorates a statutory sanction, and if you thus intensify communal differences, you cannot possibly imagine a time when the communities will say good-bye to this system. So I say that whatever the period may be—it may be ten years or it may be fifteen years, this announcement is especially essential for the peaceful evolution of India towards dominion status.

I have said and I spoke only from the Hindu point of view what I said before with regard to the second chamber. But I say these second chambers in the provinces are not required for various other reasons. They will uselessly add to the burden of the Indian tax-payer. Why should these men go into these upper chambers? (*An honourable member*: But you are not going to have one.) Not here, but I am talking of the other provinces. They will unnecessarily add to the burden of the Indian Exchequer if you have these legislative chambers of a superior kind as they are called. Again, what can you expect from men who are either nominated or who are merely Knights and Khan Bahadurs and who have tasted the joy of life and want to find repose in the Council Chambers when they have lost their judgment and have lost their powers of hearing? An honourable member explaining to me the necessity of having an upper chamber said to me: "Pandit, the day will come when you will not be able to fight in the elections. Why should the province lose the benefit of your presence? Why should you not find a place in the upper chamber by nomination?" I said, "If I have energy and if I have brains left I shall fight elections, but I do not want to be placed in any chamber when my sense of judgment is gone and when my power of hearing is diminished. I do not want that sort of repose." The people of India will find that these second chambers will be a clog in the wheel of progress. They will not make the machinery work. Wherever any progressive measure is brought forward, they say, "Do not go so far, we cannot move with the times." These people will be putting checks on Indian progress. I ask the members of this Council that they should join the Hindus of the Punjab and say that in provinces where the Hindus are in a majority these checks should be removed. (*An honourable member*: What should be removed?) Checks in the form of second chambers.

It was stated that these second chambers are a protection for the minorities, and that view was maintained very seriously. Everybody who came to give evidence on these points from the other side referred to these second chambers in England and in other places. But what is the Governor for? You have over-weighted him with responsibilities for the protection of minorities. Why must checks upon checks be added for the sake of minorities? After all it is the majority which should rule and not the minority. Therefore the Punjab Legislative Council should express the opinion that it is not in favour of second chambers.

Then there are other serious and grave defects. I do not want to take the time of the Council with regard to these grave defects. But there is one very great misapprehension which exists in the minds of many of my friends on the other side which I wish to remove. I have seen many times statements in the Muslim press and in the Civil and Military Gazette that

Pandit Nanak Chand opposed the advance on national lines. Here is the view which I on behalf of the Hindus of the Punjab placed before the members of the Joint Parliamentary Committee, and I would ask you to listen to these words because I should not be misquoted in the future. This is what I said :—

The organisation of the various communities in India, even on religious and communal grounds, has helped to create a spirit of restlessness, which is no less than a desire for advance. The people of India are not satisfied with the very moderate demands ceded to them under the White Paper. In the opinion of most of the people the White Paper gives with one hand and takes away what it has given with the other.

The White Paper, in order to meet the growing national consciousness and the desire for freedom, should be made more liberal. The impression that seems to be prevailing in England, that the National Congress is dead, or that the Civil disobedience movement has been laid low for all time, is entirely wrong. Similar impressions prevailed in this country after the martial law of 1919 in the Punjab. But the spirit of the Indian people, now awakened, can never be crushed. The best way and the only way to keep India and England together is to concede to the Indians their demands for self-government to the full. This is the only way for peace in India. No other way can lead to the happiness and welfare of the people of the two countries—Great Britain and India—which is desired without exception by all reasonable men.

The scheme of the All India Federation, with central responsibility, holds the field in India, and it should hold the field in England. The efforts of all the British political parties should be directed to make the scheme more liberal, more fair, and more just—

And this is what I said—

but under no circumstances should the name of the Hindus of the Punjab be used for the purpose of blocking Indian advancement towards full responsible government.

This is what I said with full sense of responsibility on behalf of the Hindus of the Punjab. I made it quite clear that we are in a minority and we will continue to be in a minority. These safeguards will not save the minorities.

A statement of that kind is not a true interpretation of their feelings, and is not a correct statement of their case. Even now if a scheme of advancement on national lines—totally abolishing distinctions of caste and creed, religion or race—is produced, and the legislatures.....are freed from the communal poison, and statutory sanction is not given to their sectional distinctions, the Hindus of the Punjab, though in a minority, will gladly accept such a scheme. They will ask for no safeguards, or guarantees, for they know that a policy of mutual trust and goodwill is the only right policy. India now cannot be ruled any longer in the old way and on the old lines.

This is what I said. I believe that the time has come when the Hindus and the Sikhs should take courage in their own hands and say to the Muslims of the Punjab that they are committed to destroy these communal distinctions and want their message to be carried to other provinces, that communalism and communal electorates are no protection, though they had their day. Mutual goodwill can only come if the Hindus cast their votes for Muhammadans and the Muhammadans for Hindus: it cannot come otherwise. It would be impossible to talk of goodwill and bring in the two religious communities together with these communal and separate electorates. We must denounce them in the strongest terms possible, and as a member of the minority community, I would ask you to co-operate in this matter and not to let things drift as they have been allowed to drift in the past.

I will say only one thing more. I believe and I have always believed in the policy of co-operation. Those that have now gone into the central

[Mr. Nanak Chand Pandit.]

legislature have gone with this idea that they must co-operate with the Government. The old idea of ruling a foreign nation is changing. The world has grown very small. England is only a dot on the map of the world. India is a bigger dot on the map. (*An honourable member* : A blot) (*laughter*). What I am saying is this ; my honourable friends would require some explanation. The thing does not strike them in the way as it has struck me. The aeroplanes, the telephones, the telegraphs and the various other things have brought the world together. If India wants to advance on national democratic lines it requires the help of England, whatever you might say. Therefore believing in this measure and working on this policy, I have always attempted to do my little best and I would therefore say in all humility to everybody who was at one time a non-co-operator that it really does not mean that we must not exploit every possible means of advancing our country's cause. We must remember that there is a very growing party in Great Britain which believes that it is by co-operation and goodwill that the two countries should be linked together, and that the cause of mutual goodwill must be given preference to the die-hard methods which have been employed in ruling India in the past. I have had the fortunate opportunity in coming into contact with conservatives, liberals and labour members of Parliament who believe that if India is to be ruled and kept contented and the masses are to be made more prosperous India and England must pull together and therefore sacrifices must be made on all sides for the common good of Great Britain and India.

Mian Nurullah (Lyallpur South, Muhammadan, Rural) : I do not profess to be a politician nor a constitutionalist, but having seen the motion of my honourable friend from Hoshiarpur I felt this morning that the last few words were quite redundant and useless. As has been pointed out clearly by the honourable member for Lahore (Sardar Habib Ullah) and by the Leader of the House and the honourable Mr. Pandit we have no authority either to accept or reject the report. There is no offer and therefore there is no question of acceptance or rejection. Now, the position before us is that there are two propositions, one proposed by the honourable member for Hoshiarpur with the last few words omitted and the other proposed by the honourable member for Lahore. After carefully examining the two propositions I feel that the proposition of the honourable member for Hoshiarpur with the last four words omitted is much better for this House to adopt than the proposition of the honourable member for Lahore.

I do not propose to go into the details of the proposals contained in the Joint Parliamentary Committee's Report, but I cannot help remarking that two things in it are pugnacious. *Firstly*, the continuance of the principle of joint electorates is most vicious and injurious to the healthy growth of the country and *secondly*, as pointed out in detail by some honourable members the indirect system of election to the Legislative Assembly is most re-actionary. (*Hear, hear*). This is a point against which we should all raise our voices and create as much agitation as possible. It is taking away the right of those who have enjoyed it for over twelve years. I feel that this will give most undue powers into the hands of Governors who are going to be supreme overlords of the future. I may explain this in a little detail. In future the

cabinet is going to be under the thumb of the Governor. The appointment of the Prime Minister rests on the judgment of the Governor. He will make the selection of a person who in his judgment commands the confidence of the majority in the House. Therefore when indirect election comes into being for the central legislature, naturally the majority party will have the best say and that party will be able to send most of the members to the Assembly. So, if the Governor wishes to influence the elections to the Assembly he can do so at any time through the Prime Minister. Therefore this system of indirect election is most re-actionary.

There are of course some good points also in the Report. I would therefore suggest to honourable members who want to criticise this Report that they should, like the Honourable Pandit, point out both the good and bad points and give healthy suggestions so that when the question of the Report being translated into legislation in the House of Commons comes up those suggestions can be incorporated in the Bill. Finally, I should say that the Report does not in any way satisfy the aspirations of Indians and I need not go further and take the time of the House except to read what Mr. Lansbury has said. He is reported to have expressed frank disappointment with the report and to have said, "We are giving power with one hand and taking it away with the other."

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural): I do not pretend to say that I have read all the papers on the subject because I have not been in touch with the Report of the Statutory Commission or the Report of the Joint Parliamentary Committee. Moreover it is such a lengthy document that it has not been possible for me within the last few days to go through the whole of it. I will therefore confine myself to only a few points. The only advance that the present report makes upon the existing constitution is that it gives a little larger franchise to the people. The rest of the Report is a mere sham and mockery. (*Hear, hear.*) It has been said that the ministers in the future constitution will have more powers and responsibility. But after going through the Report it seems to me that it has been conceived in a spirit of distrust by the members of the Joint Select Committee. The Report shows that the ministers will still be under the tutelage of the Governor, who armed with executive, legislative, financial and commercial powers, coupled with his special responsibilities, special and discretionary powers, having the ministers and the Council under his thumb, will be in the position of a dictator and all powerful, and can very well say I am the Government, as Louis XIV, King of France some centuries before, said "I am the State." These ministers have been in charge of the transferred departments for the past fourteen years, and if they have not picked up the procedure so far and are not fit to exercise full responsibility—I should really be surprised. Under the future constitution a minister cannot do anything except with the approval of the Governor. (*Interruptions.*) These interruptions will not do. If during these years of reforms the ministers have not been able to pick up the threads of administration, I do not think they will do so in the future either. In this connection I may perhaps read a short extract from page 55 of the book *Nationalism and Imperialism* by Hans Kohn:—

If, however, the people really are not ripe for self-government, the reason is to be found in the method of government hitherto in force. "It cannot be denied

[K. B. Malik Zaman Mehdi Khan.]

that an autocratic system of administration which gives no real voice, no opportunities, and no responsibility to the people is not likely to educate them in the use of their own initiative and to promote their latent qualities, nor can it be conducive to high political standards. Only in liberty, and in responsibility can the people effectively advance, become constructive, and politically mature. Deny them responsibility and you have the safest way of impeding their progress and of rendering them always destructive and inefficient, thus creating a vicious circle, which cannot be too strongly condemned. However, much will depend upon the quality of the Ministers and the actual working of the constitution.

Coming to indirect elections to the Legislative Assembly I submit that it will lead to corruption without creating any self-consciousness and awakening among the people. These elections will now be confined to a few people in the legislative councils and it is not impossible that corruption may prevail amongst the members of the local councils and at the same time the official classes may be demoralized. This point also is borne out by the writing of another author William Ernest Hocking in his book. *The Spirit of World Politics* at page 105 says—

It is especially disastrous for any people to live long among a population which it holds in contempt. It is perpetually drawn to adopt an inferior morality because it supposes itself dealing with inferiors. It buys elections and consciences, because it supposes that elections and consciences are customarily bought. It creates faction, because it assumes faction and intrigue to be the order of the native soul. It allows itself cruel and unjust punishments because of the theory that these are the punishments necessary to impress. It cuts itself off from all those sources of knowledge which only reveal themselves to good will and good faith. It forgets that just in proportion as men are different in their presuppositions, they must be approached with humility, and willingness to learn what is beyond one's native circle of thought. Though individuals achieve this attitude, it is hard for a government—perhaps impossible for a foreign government. If so, it indicates that there arrives a point where the best of foreign government may be worse than a native government of very moderate attainments.

At this stage the Council adjourned till 1-15 P.M., on Tuesday, 18th December 1934.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 18th December 1934.

The Council met at the Council Chamber at 1-15 P. M. of the clock. Mr. President in the chair.

SHORT NOTICE QUESTION AND ANSWER.

NOTICE UNDER CRIMINAL LAW AMENDMENT ACT TO
MIRZA BASHIR AHMAD OF QADIAN.

Chaudhri Afzal Haq : Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that when the *Ahrar* Tabligh Conference was held in Qadian, the Government was pleased to give notice under the Criminal Law Amendment Act to the President of the Conference and also to the Head of the Mirzai Sect ;
- (b) whether it is a fact that Mirza Bashir Ahmad of Qadian in his address of Juma Prayer following the Tabligh Conference warned the British Government either to apologise to him or he will take bold steps against the Government ;
- (c) whether the Government tendered an apology ;
- (d) whether the Government made enquiry as to the steps that the Mirza Sahib is going to take in case Government does not apologise to him ?

The Honourable Mr. D. J. Boyd : It is presumed that the reference at the end of part (a) is to the Head of Ahmadia Community—

- (a) Notices were issued as suggested in the question, one under section 144, Cr. P. C., and the other under section 8 (1) (d) of the Punjab Criminal Law Amendment Act, 1932.
- (b) This is not the interpretation which the Local Government placed on the address.
- (c) and (d) No.

JOINT PARLIAMENTARY COMMITTEE'S REPORT.

Mr. President : The Council will now resume discussion on the motion before the House.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural) : Yesterday I was referring to two books on political science and my object in doing so was first that there was absolutely no justification for not imposing full confidence in the ministers and secondly that indirect elections to the Legislative Assembly would be attended with undesirable consequences. As regards the ministers it is to be borne in mind that Gov-

[K. B. Malik Zaman Mehdi Khan.]

ernment is an organism or a machinery and ministers when appointed will be its parts. There is a well known proverb in Persian—

ہر چہ درکان نمک رفت نمک شد

Everything that goes into a salt mine becomes salt.

There is absolutely no reason why we should not repose full confidence in them and we have got instances before us not only in this country but also in England, that men when placed on posts of trust, have changed their former opinions. Perhaps you remember that Mr. Ramsay Macdonald during the Great War was a conscientious objector but since he became the Prime Minister he has shed his old ideas and has become as good an Imperialist as Mr. Churchill, Lloyd George and others. So it is impossible for a man who is a part and parcel of the Government not to share its views and not to give up his old notions. That is what I wanted to make clear. Another object in quoting these books was to show that the Joint Select Committee's Report in certain portions was defective and required improvements and it is our duty to bring all these points to the notice of the House so that all these points may be conveyed to the British Parliament. This Report is not the final word at present and most probably many alterations will be made in it and unless these defects are pointed out and are laid before the House there is no hope that any improvement will be effected. I admit also that there are some good points in the Report and it will be folly on our part to reject it or condemn it altogether. But we should try our best to have it improved in certain respects. With these few words I support Khan Bahadur Habib Ullah's amendment and not the other one.

The Honourable Mr. D. J. Boyd (Finance Member): In the first place I would like to acknowledge the high level on which this debate has been conducted, although I regret to say that I must exempt the original speech from that description as in many cases it so distorted the meaning of the Report that it was frequently difficult to recognise that it was referring to the Report. However, in the main, I think the level of the debate has been such as this Council might be proud of. That being so, it seems to me all the more regrettable that the wording of the motions should be so ungenerous. The first motion moved asked us to reject the Report. The other, which seems to be that favoured by most of the non-official members of the House, says that it falls short of the pledges given by His Majesty's Government and does not satisfy Indian aspirations and should be declared inadequate, unsatisfactory and disappointing. Is this the language in which we should describe the very great free gift of self-government to the province? I think it is distinctly ungenerous to use these epithets to such a magnificent gesture. I admit freely and frankly that two of the speakers did recognise the magnanimity of this gift. I think Chaudhri Allah Dad Khan was one of them. He mentioned the fact that Britain after holding India for 200 years was, of her own free will, now parting with power. He also declared it most magnanimous on her part to do so. He further added that he did not believe that any country but Britain was capable of parting with power as she had done in the case of Ireland and as she intended to do in the case of India. That is a handsome acknowledgment of what is being done.

He added that it was mere pretence to say that there were no serious defects implied in the constitution which has been sketched out in the report of the Joint Committee. I think it is both childish and churlish to do so. Pandit Nanak Chand also had the fairness to admit that the report contains many, I think his own words were, great and big things, which should receive the appreciation of India. There can be no doubt about it, that the free gift of provincial self-government is a very great gift indeed and implies an enormous advance on the present constitution. It is the more creditable to both countries because it is not the result of agitation on the one hand nor of fear or indifference on the other. In the case of India, I think I may express my opinion that it is the result of the magnificent self-sacrifice and loyalty of her sons during the Great War. On the side of Britain I think it is the result of the Britisher's firm belief in democracy, of his innate sense of fair-play and of his attempt to follow, perhaps in a purblind and halting manner but still in a genuine manner, the sacred precept, "love thy neighbour as thyself." It is possible that the carping criticism of the Report which one has read in the press and which to some extent, I am glad to say not to a great extent, we have heard in this House, is due to the circumstances under which the Report was written. It was written, I take it mainly for home consumption and the Joint Select Committee while recommending the constitution which they thought best for India, at the same time had to recommend it in a form in which it was most likely to pass through Parliament. For this reason they could not but emphasise the safeguards in order to soothe the nervousness, the fears, of the more conservative elements in politics in England. At the same time, it is possible, in fact I feel sure, that they slurred over the very great advance in the constitution which is implied in this Report. They have, as I said, emphasised, the safeguards and I think it is incumbent on me to say a word or two about these safeguards. These safeguards, or at any rate one of them was described by one member as a selfish reservation of power. I think that is a totally erroneous description of the safeguards. I have only heard one of them mentioned in this debate as not being conceived primarily in the interests of India and with possibly that one exception, to my mind it is quite clear that they are all conceived primarily in the interests of this country. To launch a new constitution without providing safeguards against its going astray would be like placing a powerful railway engine on the lines without any brakes. Once steam is put and the train begins to move, no matter what the driver may try to do to prevent disaster, a great catastrophe is bound to occur and if Parliament launched the new constitution without very definite safeguards to prevent serious catastrophe, I think we would probably find that the catastrophe would come. If you look at the three main safeguards in a province, the main responsibility of a Governor will be to secure the province against any grave menace to its peace and tranquillity, to secure the legitimate interests of minorities and also the interests of services. There are other safeguards but these I think are the safeguards which will most probably come into action if any safeguards ever do come into action. As I said, if we launched the new constitution without these safeguards we might be heading for a serious catastrophe, without any power on the part of the Governor to prevent any grave menace to the peace and tranquillity of the country, to prevent injustice to minorities or to ruin the services without which no constitution can possibly work. It seems to me to be quite obvious

[Hon. Mr. D. J. Boyd.]

that these main safeguards are absolutely required if the new constitution is to work at all smoothly and safely and if disaster is to be avoided. The bugbear of safeguards has loomed very large in the Press and also in this debate, so I think it is right to remind members of what is said in the Report. In paragraph 79 the Joint Select Committee say—

If Ministers in fact act reasonably, as no doubt they will, the occasions on which a Governor will find it necessary to dissent from the advice which they tender to him may never in practice arise.

If there is any province in India in which it will be unnecessary to bring the safeguards into play that province is the Punjab (*hear, hear*). One of the remarks in the Report which I have found hard to stomach is the statement that dyarchy has not been a success. In this province I think it has been a conspicuous success. Our ministers and non-official members of Council have always acted with the greatest reasonableness and they have when necessary modified their own opinions in order that the Government might work as a harmonious team. That has been what has occurred since the beginning of 1921. I have no doubt that in this further and freer constitution that lies before us our ministers will show exactly the same spirit and I very much doubt whether the Governor will ever find it necessary to bring his special responsibility into play. So much about the general character of the Joint Parliamentary Committee Report.

There were one or two particular criticisms of this Report which I think I should endeavour to explain as they are probably based on misapprehension and it would be a pity if the misapprehension went forth to the public without being explained and if necessary contradicted. To begin with we have all of us, I think, seen in the newspapers this morning a heading in very large type describing the Report as "goal-less and soul-less" which I think we may attribute to the honourable member opposite. To say that the Report is goal-less is surely taking a very short-sighted view of it indeed. The goal has been laid down very clearly in the preamble of the Act of 1919.

Shaikh Muhammad Sadiq : They have changed it.

The Honourable Mr. D. J. Boyd : That Act is still in force and that goal I have no doubt, I have no authority to say so, but I have no doubt that that goal will remain as the goal of the constitution. It is in brief the progressive realization of responsible government in British India as an integral part of the Empire. There is the goal very clearly set forth. You do not get it at once in the constitution which is adumbrated in this Report. Nobody in his senses would expect to get that by a single step. For one thing, as the Report has said repeatedly, constitutional conventions are a very slow growth. They have to be formed after years of tradition and when formed they are what really suits the country and not an *a priori* constitutional Act. Progress is bound to be gradual, if it is going to be safe and if the result is going to be satisfactory. But I think I am justified in denying entirely that the Report is goal-less and as I have already said, I think it is inspired by the firm belief in democracy and the innate sense of fair-play which distinguishes, at least I hope it does, the whole British nation. Therefore I have no doubt that it is not soul-less.

The same member further said that the Governor can prescribe the procedure of the provincial legislature. This is to my mind an astounding statement, because if you read the Report you will find it expressly stated that it is rightly proposed that the provincial legislature itself shall have ample power to regulate its own procedure and business and the Governor shall only have power to regulate its procedure when the matters under discussion concern his own special responsibility—a very minor part indeed of its procedure. This is an example of the misleading statement that is apt to be made when we have not had time to study the Report carefully and in detail and I would not for one second suggest that the honourable member meant to be misleading. I know that he did not, but at the same time statements of that kind when they go out and are repeated in the Press do harm. Another statement of the kind which struck me as requiring explanation was a statement made by one member that the Governor had full power over the finances of the province. That is a ludicrously misleading statement. One of the conspicuous omissions of this Act was the omission to give the Governor any financial power whatever except the financial power necessary for the discharge of his own responsibility. One of the omissions in the Report which has slightly alarmed me as Finance Member is the omission to provide that the advice of the Finance Department shall be sought on all questions of new expenditure. I have no doubt that this omission will be remedied in something like the devolution rules which exist at present because just as the Treasury at Home has to keep a cautious and careful eye on expenditure so in this country the Finance Department of the central government and the Finance Departments of the provincial governments must keep a very strict watch indeed upon expenditure, otherwise you will find a very heavy deficit in a few years. But to say that the Governor has got any financial power except the meagre financial powers—and these too are limited—the very meagre powers that are necessary to discharge the special responsibilities, to make such a statement is very seriously misleading indeed. These are three specimens of the misapprehensions that exist about the Report. There is a fourth which I think needs mention because it was repeated by more than one speaker. It was originally mentioned I think by Chaudhri Afzal Haq. He depicted a position in which the future minister in charge of law and order might find a friend of his, I think he went further and said that the friend might be a member of this Council, prosecuted on a charge of sedition. The minister wants to know what the charge against his friend is, but under the new constitution he will not be entitled to know. This is not a fair picture of what is said in paragraph 95 of the Report. Paragraph 95 seeks to put beyond all doubt a convention which exists certainly in England and probably in most other advanced countries of the world. The convention is this that the minister in charge of law and order, that is, the Home Secretary, is not supposed to ask the police for the sources of their information. We know that in the Evidence Act the sources of information are protected. The law in this country already protects the sources of information from being divulged in a court of law and objection cannot possibly be taken to the law protecting sources of information in other cases also in the sphere of administration.

Chaudhri Afzal Haq : Even from the minister ?

The Honourable Mr. D. J. Boyd : You must remember that this is not a case of suspicion of the minister. It is a case of suspicion or rather of removing suspicion from the minds of the possible informer. That is the whole object of this provision. If informers are not absolutely assured, if they do not feel certain that their identity will be preserved secret then the sources of your information must dry up at once and if they dry up you are done. Terrorism in a province like Bengal until it changes, will be rampant and there will be no means of checking it when you get no information about the persons concerned in it and about their plans. It is merely to remove this fear from the minds of potential informers that it is proposed to insert in the instrument of instructions to Governors that the sources of information shall be secret even from the minister in charge of law and order (*hear, hear*). I would never myself dream of asking the police to tell me from whom any particular report was received. Practically every day I receive secret reports about various matters. They are said to emanate from "a source." Sometimes the name is given but frequently it is pseudonymous. I never dream of asking the police what their source is. It might be said that no minister would ever dream of doing that and I believe that no Punjabi minister is likely to be unduly curious on a subject of that kind.

Shaikh Muhammad Sadiq : Do you think a Bengali would be ?

The Honourable Mr. D. J. Boyd : This convention has grown up in England at any rate as a result of a century of experience and informers in that country know the position perfectly well. Informers in this country, at any rate at the beginning of the new constitution cannot know the position unless it is put absolutely beyond doubt and the intention is not to throw any suspicion whatever on the *bona fides* of the minister but the intention is to reassure the potential informer (*hear, hear*).

Khan Bahadur Sardar Habib Ullah : May I say something on a point of personal explanation ?

Mr. President : Was there any personal attack upon the honourable member ?

Khan Bahadur Sardar Habib Ullah : No, I wanted only to admit the mistake that I made in connection with the power of the Governor with regard to the procedure of the House.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural) : Sir, the subject is a very important one and it has a history of its own behind it. The constitution which is being worked out is the result of the Government of India Act, 1919. Shortly before that Act was passed an interesting discussion took place in the House of Commons on what was called the Mesopotamia Muddle. Mr. Montague who was a member of the House, but was not a Secretary of State at that time pointed out that the constitution as obtaining then in India was too rigid, too wooden, too inelastic and antediluvian and fortunately for all concerned a few months after he himself was charged with the responsibility of making improvements in that constitution which he had so severely criticised and very justly too. It was as a result of consultation and long discussion that that Act was passed and it was provided in that Act that within ten years a commission would be set up to investigate into the working of the constitution which had been passed and it was in pursuance of that provision in that Act that the Simon Commission was appointed. Then three conferences were held and then the White Paper was issued and after that it was followed by a reference

to the Joint Select Committee of both Houses of Parliament. They have worked for over eighteen months and they have collected voluminous material and it is as a result of those labours that this Report is before this House to-day. So far as the theoretical side of the question is concerned, the criticism would be different from what the practical side of the problem is. If there were people—and certainly there were people who expected that by this Act or by the Report the Joint Select Committee would recommend a full fledged dominion status, they certainly have been keenly displeased. There is no doubt that there is not even a mention of the words "dominion status." In the constitution that is at present being worked there are words to the effect that responsible government is to be set up. These words gave rise to a long controversy. The Indian politician interpreted the words "responsible government" as an equivalent of "dominion status," while some of the administrators, chiefly Sir Malcolm Hailey controverted that view and said that the words "responsible government" were quite different from the words "dominion status." Therefore the omission of words like "responsible government" or "dominion status" in this Report is significant. It cannot be said that it is only through inadvertence or by oversight. It is as a matter of fact, with a view to avoid that controversy that the expression has been omitted, because there were certain members of Parliament who seriously contested the view that dominion status was ever meant by those words which found their place in the present Act. Therefore the omission is very significant and it is all the more deplorable when we remember that Lord Irwin when he was Viceroy made it clear on behalf of the Imperial Government that responsible government was equivalent to dominion status. Then a higher authority than the Viceroy himself, that is, Mr. Ramsay Macdonald made it quite clear when he made his famous speech in which he said that another dominion of another race would be added to the British Commonwealth of nations, that is within months rather than within years. In face of these pledges, in face of these promises, therefore, it is too late in the day to wipe out all the promises that have been made from time to time from responsible quarters.

Another important feature of the Report is regarding federation. Criticism has been levelled against it, and a very serious criticism too, that it is still in a nebulous state and we do not know when this federation would come into existence and that it has rather receded into the background by this Report. Even then when it comes about, opinions differ whether any responsibility will be given to the Indians, because clearly three subjects have been excluded from the jurisdiction of the federal government, that is, defence, foreign affairs, and law and order. That means that law and order and foreign affairs would be under the charge of three different councillors and whatever advice may be tendered by the ministers might be nullified by the advice tendered by the member in charge of the special Department of Law and Order.

There is another drawback in the scheme that has been adumbrated regarding federation, and that is this that it will not be very easy for certain ministers to assert themselves and the constitution of the federation is such that there are serious doubts regarding its constitution, inasmuch as to say that it has been pointed out that the official bloc will disappear, but it would be replaced by the representatives of the States in the new constitution.

[S. Arjan Singh.]

Again there are other subjects, as for instance the Secretary of State's Council is still retained. Criticism against it has been levelled from time immemorial because it is considered to be the citadel of reactionaryism and still under the constitution it remains.

Then regarding the powers which have been given to Governors there are serious doubts whether provincial autonomy means anything in the face of the special powers which have been conferred upon the Governors.

Then there is one other aspect of the question and that is the position of the civil servants. It has been granted to them that they will continue to be recruited and will remain under the charge of the Secretary of State. Therefore there are fears that they will not obey the ministers when they know that the authority which has to deal with them is sitting at a distance of 6,000 miles. Of course there is much justification for the protection of the civil servants who are at present in the civil service but there is absolutely no justification for the new entrants. If they have to work under the ministers, why should not the ministers be responsible for their recruitment or for dealing with their conduct as occasion arises? These are some of the features which, as I said at the beginning of my speech, can be considered very ideal but let me show the other side of the picture. Nobody can deny the weight of authority which attaches to this document, I mean the Joint Parliamentary Committee's Report. Considering the personnel of the Committee and judging from the individual qualifications of the authors of the Report, it is undeniable that they have collected a large amount of material and nobody can doubt the sincerity and honesty of purpose which has actuated the authors of the Report. It has been criticised that safeguards as they exist make provincial autonomy a mere mockery. I may point out in all seriousness to my colleagues on this side and also my colleagues on the other side that the safeguards are mainly protective. I would not touch the safeguards respecting other subjects but regarding the protection which these safeguards will give to minorities I wish to say something. The communal award was announced over two years ago. Take the instance of the Punjab. This communal award has been criticised in unmeasured terms from the Sikh point of view and from the Hindu point of view and this controversy has been going on for the last two years. What steps has the majority community in this House taken to inspire confidence in the minds of the other two minorities during these two years? Have they taken any steps to allay the fears of the other party? They should have tried to meet their grievances if they were real. But they have not done anything during the last two years. If under these circumstances we minorities are for special protection where is the objection to these safeguards which provide the Governor with special powers to protect the minorities?

Then there is another aspect and I wish to address my Hindu brethren about it. It is an open secret that they have, as a matter of fact, monopolised all the Punjab services. There have been serious attempts on behalf of the Sikhs and Muslims to approach them and to evolve a scheme which might fix the percentage of certain services. I know I am not divulging any secret when I say that our Revenue Member has been taking very keen interest in the solution of this problem, but how far have we succeeded? What has been the result? The result has been that not only do they not admit that

there is something in the grievances which are ventilated by the Muslims and the Sikhs but they go to the European officers and poison their minds and prejudice them against the Muslims and Sikhs, so that, if any of them approaches for a post, he is told : " The difficulty is that you are not good," or " The difficulty is that you are not quite competent " or " The difficulty is that you are not quite fully qualified." That is because the Hindus have the ears of their European colleagues. That is the way in which they are making themselves responsible for recruitment to the services. They tell members of the other communities that they had better qualify themselves. " Charity covers a multitude of sins." There are no golden scales by which qualifications of a certain community are to be weighed. Absolutely none. This is what is called the bugbear of efficiency or the bugbear of qualifications. If this is the way in which the minorities are treated, then they certainly have a genuine grievance and then they must certainly want protection and that protection can only be given by the special powers that have been retained for the Governors.

I have to make only one or two more observations and I have done. One is that there is a certain school of thought in England and that school has pointed out that there are grave apprehensions whether this scheme will work for the interests of the masses. They are under the impression that this will only benefit a few educated people and will leave the masses in the lurch. There is something to be said for this view and it is only the future that can tell whether the masses will get the proper protection under the new scheme.

One word more and it is to the extremists in England to whom reference was made by the Honourable Revenue Member yesterday. There are of course extremists in India and there are extremists in England, but I refer to that class of extremists in England who have stated in the House of Commons that this scheme if introduced will imperil the English life and English honour. Nothing can be farther from the truth. Of course I know that

this is only a propaganda, but even to that there must be a limit. It is a dirty propaganda that is being carried on.

I may assure them that the life and honour of Englishmen are as sacred to Indians as they can ever be to the Britishers themselves. (*Hear, hear*). Indians can never be ungrateful for what the Britisher has done for them. Whatever differences of opinion there might be on the question of political advance, they will not be forgetful of the great benefits that the British have bestowed upon the masses of India. With these words I resume my seat.

The Honourable Sardar Sir Jogendra Singh (Minister for Agriculture): I had no desire to take part in this discussion as I have both officially and unofficially expressed my opinions candidly on the subject of reforms. The criticism of the Report at this stage seems to me to be in the nature of ploughing barren field. We are harvesting the results of our own sowings. The report holds up the mirror to the realities of the situation. The Report defines the conditions that determined decisions and points out the path of progress. Several pointed references have been made to the relations of ministers in the past and their position in the future government. I thought it might be useful if I might afford glimpses as to the working of the system in the past of which I have nearly eight years' experience. It was in 1926 that Sir Malcolm Hailey telegraphed

[The Hon'ble Sardar Sir Jogendra Singh.]

to me to come to the Punjab and offered me a seat in his Cabinet. As I was sworn in, he sat dumb without a word of encouragement and I said to myself that it will not be for any length of time that I will be able to hold office in his Cabinet. I am glad to say, however, that this impression was soon dispelled. I found in Sir Malcolm Hailey the strongest supporter of my policy. I do not recall a single occasion when we differed. (*Interruption.*) My honourable friend asks me what was my policy. The policy of the ministries in the Punjab has been to advance beneficent activities of the Government to the utmost possible limit. I can say without fear of contradiction that in the time of Sir Malcolm Hailey education, public health, industries, agriculture, in fact all the departments which were controlled by the ministers made the largest possible advance. Later on depression came and financial position had to be taken into account. We all chafe at the financial control, but honourable members I am sure realize that financial control has to be faced both in private and public life. Under the new dispensation when it is hoped that sluices will be flung wide open I am afraid if the financial control is not maintained it may be found that the financial streams have run dry.

There is one remark I wish to make regarding the services. Whatever may be the form of government, the province and the country will require strong and efficient, public services. We may well be proud of the work that the services have done for the Punjab. Our relations with the services have been of the closest and unstinted co-operation. Finally my own view is that what the country needs is a good and progressive government, alive to the new economic realities, ready to guide, direct and plan the development of industries and agriculture in keeping with the position of India in the new world. Will the new constitution accelerate the pace of advance and raise India to a position of equality with the self-governing dominions and lead it along the path of self-realisation and attainment of nationhood? The answer is provided in the progress that we have made in the past, in our power to make use of our new opportunities and in our realisation of the meaning of nationhood. I can therefore say that we can work the new constitution to our advantage and the ministers, if they have the support of all communities behind them and are men who do not seek personal advantage, and are prepared to uphold the dignity of their office at the sacrifice of self-interest and are ready to consecrate all their powers in the service of their fellowmen, the safeguards will rust and decay in the armoury of the Governor.

Dr. (Mrs.) M. C. Shave (Non-official nominated): I shall confine my remarks on the Joint Committee's Report to the portion that deals with my people. It was with extreme satisfaction that I discovered in this Report that in the opinion of the writers the Anglo-Indian and Domiciled European community represents one united body of people. This is in sharp contrast to the grouping according to the Punjab Franchise Report which I shall criticise on the floor of this House when it comes up for discussion at last. The authors of the Joint Committee Report have taken the larger view. I wonder if they glimpsed the irony of the situation as they pressed the soil about the roots of these people with their particular history. After nearly two hundred years a ragged remnant is all that is

left to face the new conditions and to carry on great traditions and to follow a high ideal. But much can be done if one keeps, above all the strife and the tumult and the shouting, a steadily burning faith and we are not afraid. We are grateful therefore for the protection this Report promises. This will enable us to pull ourselves together and to set our house in order. We are and we shall be everlastingly grateful for the educational boards which give us the means to rise to the full stature of humanity, to shape our fate ourselves and to carry out our destiny purposefully taking no cowardly by-path to ease and safety.

Sardar Bahadur Sardar Buta Singh (Multan division and Sheikhpura, Sikh, Rural): The subject under discussion is a very vast one. It is very difficult, nay, I may say almost impossible, to do full justice to it within the time at our disposal. I may even say that it is not possible to touch even the fringe of the scheme which is before us for discussion to-day. At the very outset I must admit that I agree with Mr. Nanak Chand Pandit that the Report under consideration has got many good points as well as bad points. We have to appraise the good points and criticise the bad points. I shall refer to a few points which I am sure all reasonable people will agree with me in regarding as a step forward on the present constitution. First of all it must be noticed that there will be no official block. Dyarchy is being abolished. We have been promised responsibility at the centre. We are also promised provincial autonomy. Public service commissions will be set up. Federal courts and supreme courts are visualised at a certain stage. Certain services which have been doing yeoman service to the province, such as those in the irrigation branch will be transferred to provincial governments. In this way we observe that a good deal of advance is made on the present constitution. But we should not close our eyes to many of the bad points in the Report. These bad points have, however, been referred to by previous speakers and I have no mind to go into them in detail. But I should like to draw the attention of the House to certain studied omissions, I use that expression because two of the official members who have spoken on this subject have scrupulously avoided replying to the criticisms raised by some other honourable members, on certain questions. One of those questions is about the dominion status. Nobody has answered as to whether this dominion constitution is to come or not. Some time limit should have been fixed. Some assurance must have been given that our goal is dominion constitution and that it would be given us after a certain period. No such promise has been made. Secondly, there is no written constitution in the whole world where the fundamental rights of the people are not incorporated in the constitution. British statesmen knew all this throughout the deliberations of the Round Table Conference and the Joint Parliamentary Committee. I have got personal experience of that. These points were raised there and fully discussed on the floor of that Committee. Pledges after pledges were given by the Viceroys and other men in authority that dominion constitution will be given to this country. I would in this connection read to the House an extract of a speech of the Prime Minister made at the first Round Table Conference. He says:

Pledge after pledge has been given to India that the British Raj was there not for perpetual domination. Why did we put facilities for education at your disposal?

[S. B. S. Buta Singh.]

Why did we put in your hands the text books from which we draw political inspiration, if we meant that the people of India should for ever be silent and negative subordinates to our rules? Why have our Queens and our Kings given you pledges? Why have our Viceroys given you pledges? Why has our Parliament given you pledges?....

Finally, I hope and I trust and I pray that by our labours, together India will come to possess the only thing which she now lacks to give her the status of a Dominion amongst the British Commonwealth of Nations—what she now lacks for that—the responsibilities and the cares, the burdens and the difficulties, but the pride and the honour of responsible self-government.

Not only that. I will now take you to some other stage of the drama. During the deliberations of the Joint Parliamentary Committee, this point was raised before that august body and the gentleman who brought this issue to the forefront was Lord Irwin. Mr. Churchill put in a memorandum before that Committee and Lord Irwin examined him on the same. You remember that there was agitation at the time when Lord Irwin used the phrase dominion status when he was Viceroy and he handled Mr. Churchill very nicely in this respect by reminding him of a speech which he made in the year 1921 when he was Colonial Secretary in charge of the dominions, in which Mr. Churchill himself used the phrase dominion status and I crave the indulgence of the House to read this portion of the evidence. I will first read from the memorandum submitted by Mr. Churchill. He says:

It seems therefore wrong for the high servants of the Crown, whether Ministers, Viceroys or Governors, to use this phrase—(Dominion Constitution)—or hold out hopes based upon it, unless they see their way to its practical realisation within some period of time to which living men can reasonably look forward. If they have ideas that India may become a self-governing dominion like Canada or Australia within one hundred or two hundred years, and that is all they mean by it, they ought not to use such a phrase without also explaining that it cannot be achieved in any period which men can foresee. Particular responsibility falls upon those who at the present time, when constitutional issues are rife, when the whole of this ground is so well-known, and after the Statute of Westminster has been passed, use this phrase without at the same time disclosing the reservations which they have in their own minds which make it meaningless so far as contemporary politics are concerned.

I now come to the portion where Lord Irwin examined Mr. Churchill.

Lord Irwin.

Mr. Churchill, you have made your position very clear in answer to preceding questions on the points which they have covered, and I only want, if I may, to ask you a question or two about a subject which has not yet been touched upon. You say in paragraph 3 of your memorandum that in your judgment "the term 'Dominion Status' has been used so loosely as to cause harmful misunderstandings?"—Yes.

That is no doubt your view. I am afraid that probably you might include me in that specific condemnation?—I am not even sure I would exclude myself.

No; that is the point to which I was coming?—I thought so.

I wanted to ask you if you had in mind what seemed to me a most admirable speech, if I may humbly say so, that you delivered in June of the year 1921, I think I suppose you have not by any chance a copy of the speech before you?—No I have not.

Would you allow me to refresh your mind with it?—I should be grateful.

Because I was not fortunate enough to hear it, but I have no doubt that it produced a great impression upon those who did hear it, and the Committee would be glad to have the opportunity of refreshing their own minds. You were at the time, I think, Secretary of State for the Colonies?—Yes.

Who was then, was he not, responsible for the Dominions as well as the Colonies?—Yes.

Therefore, I suppose, it would be fair to conclude that the Secretary of State for the Dominions would hardly have been likely to fall into the use of loose language?—It is impossible to generalise about the holders of political office.

May I read what you said? It was at a dinner given by the Empire Development Parliamentary Committee to the Prime Ministers of the British Dominion Governments and representatives of India who were then over here for the Imperial Conference? Yes.

You said: "There was another great part of the Empire represented at that gathering which had not yet become a Dominion (this is referring to our country) but which moved forward under the Montagu Scheme in the work which began with Lord Morley, and was continued by Lord Chelmsford towards a great Dominion status. (*Cheers*). You then went on: "India was now coming, into our affairs and councils as a partner, a powerful partner. We well knew how tremendous was the contribution which India made in the War in 1914, how, when there was no other means of filling a portion of the Front by men from any other part of the whole world, there came the two splendid Indian corps, who were almost annihilated in the mud and the shell fire of that terrible winter in Flanders. (*Cheers*). We owed India that deep debt," and these were the words which interested me: "and we looked forward confidently to the days when the Indian Government and people." (I would ask you to note that) "would have assumed fully and completely their Dominion status"?—Yes.

Would it be fair to you to draw from that speech these conclusions: First of all, that, as you were speaking in 1921, and you were then looking forward confidently to this further development, that you evidently had in mind, something more than a ceremonial Dominion status, that it might be argued India had enjoyed through membership of the War Conference and the like?—Well, with the great development of the Montagu-Chelmsford scheme as regulated by the Act of 1919 of course.

But that had taken place, had it not, before 1921?—It had taken place but it was in operation and was part of the facts and circumstances of the occasion.

Therefore, your meaning was that that having taken place, and that being the constitutional structure of the moment, you in 1921, as Secretary of State for the Dominions, were looking forward to the Indian Government and people attaining fully and completely their Dominion status under that?—No, I have set down in my paper in words which I could read again if you like, but I think would be tiresome, the exact view which I take of the use of this term "dominion status," and I admit that it has been loosely used, and I regret that it should have been loosely used, and I do not except myself from the scope of any censures of that kind; indeed, I reproach myself if, in using this term, although I was only one of the Secretaries of State using this term, that I should have given rise to any misunderstanding and most particularly that I should have led other much more important people in quite different circumstances to make the same mistake on a far larger scale.

I do not want to take more time of the House on this particular subject. But I wanted to draw the attention of this House that pledges about dominion status were not only given but even discussed before that Joint Parliamentary Committee. I do not know what has happened afterwards, and why the spirits which were active then were damped later, because no mention of dominion status or dominion constitution has been made in the Joint Parliamentary Committee Report. I would therefore request those who are responsible for the destinies of our country with all the emphasis that I can command, that the idea of dominion status should be mentioned there, though some time limit, say a generation or two, I do not object to that, may be fixed within which this goal should be reached. This goal should be kept before our mental horizon. I do not know what good would be achieved by merely omitting these words, because by saying that that would be the goal they will not be going to give anything in the near future. It was quite easy to have done that. But as they have omitted these words, I would request that this mistake should be rectified even at this stage. Secondly, as I have already pointed out all the written constitutions,—

[S. B. S. Buta Singh]

not the unwritten ones, I have got nothing to say about them—have a clause about fundamental rights. This has been omitted too in the present case. There is another thing. In the first Round Table Conference and also in all the Conferences which followed, great stress was laid upon the joint responsibility of ministers, but I am very sorry to note that they have found themselves unable to agree to this proposition as well. Express promise was made about this. They want to unite us and if they want that united action should be taken I fail to understand how they can do so unless this principle of joint responsibility is accepted.

Then there is another point on which I am prepared to adopt all the arguments which were advanced by my friend Mr. Nanak Chand Pandit yesterday and that is the matter of direct and indirect elections. We regard direct election as a principle of our body politic. I do not know what has impelled those very wise people to have gone back from the experience which they say has been gained and very wisely gained during the past 14 years or so. People have been able to conduct their elections and there has been a close contact between the voters and the candidates but all the same they have come to the conclusion that indirect elections should be the means of election to the Federal Assembly. On the one hand they say that there ought to be a contact with the voters but on the other hand they take away the only means which would bring about this contact. What is the proposal which they have put before us? Mr. Nanak Chand Pandit yesterday very lucidly put this before the Council that 40 or 42 Hindu members are going to elect 6 representatives in the Assembly. How these 6 people are going to have any contact with the electorates is what I cannot understand. Even during the present elections to the Assembly I think 50 per cent. of the registered voters have gone to the polls and it shows that a great deal of contact exists between the electors and the elected under a direct system of election which will not exist when the elections are held under an indirect system of election. It has been said that there are no means of communication and that it is very difficult to reach the constituencies and these constituencies will be very gigantic. But I submit that it is all wrong. When people can go and hold big meetings even in the farthest corner of the country I do not know why they cannot go and seek the votes of their electors. There are lorries and motor cars ready to carry people to any part of the country. In their Report the Committee say :

A close and intimate contact between a representative and his constituency is of the essence of representative government, so that the former may be conscious of a genuine responsibility to those whom he represents, and the latter that they are able to influence his actions and in case of need call him to account.

This is how the Committee argues but when it is time to come to some conclusions they go directly contrary to their promises and have actually tried to do away with any kind of contact between the elector and the elected. We have had this system of direct elections in the district boards, in the municipal elections and in the panchayats and in the gurdwara elections under the Gurdwara Act. Even before this Act we used to have direct elections for the management of our institutions and I do not know why this should now be replaced by indirect system of elections. With all the emphasis that I command I suggest that a strong representation

should be made to the Parliament that the system of elections should not be changed from direct to indirect. I have now to say a few words about the communal decision or the communal award. Some of my friends have already said that more than two years have passed and nothing has come out of it. I practically endorse their arguments. The majority community has done nothing to bring the matter to a successful finish, and I think like our elder brothers they should have come to us to inquire about our grievances and to know how this controversy should be ended. If they had done this, matters could have been settled long ago. Even now it is not too late and something can be done on that score. My honourable friend was laying stress on the point that the Governor should have all these special powers. But I would respectfully submit that these safeguards and reservations are of no avail and it is only good will that can afford the best protection, otherwise these protections are mere paper protections. If there had been the will to protect the minorities, the present constitution provides enough powers to do so, but what do we find? My community has very great grievances. Has the Government done anything to remove them? Everything is being done for the majority. This reminds me of a proverb that “زر را بخت”. A rustic passed by the shop of a jeweller and saw a pile of money. He had heard of the proverb that money attracts money. He threw the solitary rupee that he possessed in the heap at the jeweller's shop and waited for the whole heap to be drawn by the money that he had thrown in but without any effect. The jeweller thereupon remarked that the huge pile of money has attracted his one rupee. Similarly we know that all these safeguards are for the benefit of the majority. We are here in a minority, but what do we find. There have been twice vacancies in the office of the Assistant Legal Remembrancer but on both the occasions this post has gone to a Muhammadan and no Sikh has got it. I am simply placing this fact before this Council. I have no grudge against my Muhammadan brethren. I only just want to show that under the present constitution even when the Governor has so many powers no protection is being given to us in certain respects.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: How are you then the Deputy President?

Sardar Bahadur Sardar Buta Singh: That is another question.

The Honourable Dr. Gokul Chand Narang: No thanks to you.

Sardar Bahadur Sardar Buta Singh: Good-will and co-operation on the part of communities is the only remedy and the best safeguard and no paper protection can help us. Give and take. Trust begets trust. If you put faith in us we will put faith in you. I am prepared to agree to the views which our Leader of the House advanced yesterday that the time has come when the parties here in this House will not be based on communal divisions, but will be constituted on economic considerations. At that time all these paper protections will not be required. With all the large number of safeguards mentioned in the Report, I think the Governor must be a supernatural being if he is going to avoid making any misuse of the great powers vested in him. I agree with my friend in the remark that the British Government has tried to take with the other hand what they have conceded to us with the one. These safeguards have practically nullified

[S. B. S. Buta Singh.]

the effect of what has been given to us in the Report. But I am prepared at this stage to support Khan Bahadur Sardar Habib Ullah in saying that the Report is unsatisfactory with all the other adjectives he has used (*laughter*). But I wish to warn my friends on this side of the House that if they had been so very energetic at the time when we should have put up a united front, I think we would not have seen this day. In this connection I will relate a story in Urdu.

(Urdu.) An old man had five sons. One day as the family was sitting together the sons of the old man told him that as he has been working all his life it was better that he should retire from work and rest. The proposal was accepted by the old man. Next morning when the old man was sitting the elder son came and told him : " Look here, father, this bullock is required out in the fields. Please take it there and then you can come back and rest." The old man took the bullock to the field and then went to where the well was and there sat down under a shady tree to rest. The second son came and seeing him told him " Father, the fodder is to be cut for the cattle. Will you mind cutting it? After cutting it you can go and rest." The old man cut the fodder and then sat down again to rest. The third son came and seeing him sitting there told him that the milch cow was hungry and some fodder was required for it. The old man took some fodder and carried it home for the cow. He put the fodder before the cow and then sat down to rest. The fourth son came and told him that the fields were to be ploughed and the farm hands were short by one and that he was required. The old man rose to his feet and went to the fields and did his little bit. As soon as the work was finished he turned his face homeward in order to go and rest. The youngest son cried that as he was going home he should better take some more fodder with him for the cow. The old man took some fodder with him and went home carrying it on his head. In the evening when the family met the old man related all that had happened during the day and how after every request to do something each of the sons had assured him rest after finishing that work. This story shows how the boys took away the concession which they had conceded to their old father.

Mr. P. Marsden : Does the honourable member want to stick to the present system?

Sardar Bahadur Sardar Buta Singh : The present system is much better than the one embodied in the Report. I would like to end my speech with a Punjabi saying :—

” آؤ بیٹھو سچنوں گھر بار تمہارا
اندر جگہ تنگ ہے باہر کرو اتارا“

The Honourable Malik Sir Firoz Khan Noon (Minister for Education) : Sir, I have listened to the speeches to-day and yesterday with great interest. In this country there is no doubt a school of thought which has certainly a big following, which feels that no sufficient advance has been given to India by means of this Report. There is another section which takes the middle course and which would accept what is being given and work it, and then later on demand more. There is yet a third section

which we find in all countries, consisting of sycophants and flatterers who are found all over the world and who will always praise governments for what little they do or what they may not do. I for one feel that as far as this Report is concerned, it is fair that the public and we ourselves should know what exactly is going to take place. Either in our enthusiasm for the criticism of this Report or for its praise it seems to me that the House has overlooked probably the main features of this Report. Sir, I crave your indulgence to permit me to lay before this House a few aspects of this Report as I see them. The first and the most important aspect of this Report from the point of view of the man in the street and the man in the village is the vast extension in its franchise. (*An honourable member*: In the Assembly or elsewhere?) If the honourable member has not read the Report, it is not my fault. He should patiently listen and I will tell him. At the present moment as far as men in British India are concerned they have an electorate of 70 lakhs. Under the proposed scheme the number of electors is going to be 2,80 lakhs. (*An honourable member*: That is for the whole of India.) Yes, certainly. I mean as far as India is concerned. Instead of 70 lakhs of men-electors, in future we will have 2,80 lakhs. As far as women are concerned, at present we have an electorate of 315,000 women voters; in the future we are going to have 6 lakhs of women-voters. I will read it out from the Report:—

It is, however, estimated that the proposals in the White Paper would, if adopted, create a male electorate of between 28,000,000 and 29,000,000 and a female electorate of over 6,000,000, as compared with the present figures of 7,000,000, and 315,000.

The point to notice is not only the increase in the strength of the voters but the most important point to notice from the poor man's point of view is the extension of franchise to persons who have not yet received that franchise. (*An honourable member*: What about the Assembly?) What I would like to point out is that under the present constitution there was a certain amount of disparity between the voters living in urban areas and rural areas. Under the new scheme the electors in the rural areas are going to be increased. Under the new scheme depressed classes are going to be enfranchised which is not the case at present. Under the new scheme labour is going to get representation in the various legislatures which is not the case at present. The labour representatives will be elected by voters of their own class. At the present moment all the tenants in this province have not been enfranchised. In the future constitution it will be that every landlord who wishes to stand for election will have to go and beg his tenants for votes. At present people do not realise the tremendous advance which is made in favour of the poor man, the labourer, the tenant in the villages and the depressed classes as far as the proposed constitution is concerned. It should also be realised that this new constitution is going to permit us to enfranchise all persons who have passed the middle school examination (*An honourable member*: Primary.) The suggestion is that it is left to the provinces whether they would have middle school examination standard or not. The Honourable Member from Hoshiarpur has forgotten what he read. All that I wish to suggest is that in view of this great advance in the franchise there is going to be a very large number of electors at the polls, and judging from the manner in which some bogus voters have been behaving at some of

[Hon. Malik Sir Firoz Khan Noon]

our municipal elections, I think it would have been unsafe for any Government to have gone beyond the limit to which the Joint Parliamentary Committee has gone.

Mr. Nanak Chand Pandit : May I ask where this middle school examination is referred to ? It is primary and not middle.

The Honourable Malik Sir Firoz Khan Noon : I would refer the honourable member to page 76 of the Report, paragraph 137, last two lines which read as follows :—

But we think that it should be open to the Provincial Government to prescribe at least any middle school certificate as the qualification for the suffrage.

Mr. Nanak Chand Pandit : We enquired about the Punjab qualifications.

The Honourable Malik Firoz Khan Noon : I hope the honourable member will in future be careful.

Mr. Nanak Chand Pandit : The Honourable Minister should look at page 62 for qualifications given for the Punjab.

The Honourable Malik Firoz Khan Noon : The second point to which I wish to come is the question of membership of this House. This honourable House will remember that it has been the continuous demand of all political thinkers in India that all the members of this House should be elected members. I think the proposed change which involves the elimination of all nominated members will certainly be welcomed by this province and by this House. In the future not a single person is going to be a nominated member of this honourable House, with the result that in our deliberations we will be entirely guided and controlled by our own voting strength. The officials will have nothing to do with it. While I am on this point, I would like to make mention of one thing, and that is this that in the past we have had as members of this honourable House and also in the central legislature officials who have later risen to be our Governors. For instance, Sir Malcolm Hailey had a very vast experience of the Assembly, whose debating qualities and whose touch with the representatives of the public and whose knowledge of the working of the mind of the elected members of the House was of great help to him as a Governor in administering this province. Then the next Governor, Sir Geoffrey deMontmorency was a Leader of this House for several years and the training he received in this House was no doubt of tremendous help to him as a Governor. Later on, our present Governor was a member of this House as Chief Secretary and he was also a member of the Assembly as Home Secretary to the Government of India. The only point to which I would like to draw attention is this, that if by some means some officials can be allowed to continue in some of these Houses without any power to vote as members, that experience will help them when they are to become Governors. But that certainly will be a drawback if some of the Governors in the future are not to have the experience inside the Legislative Councils. But I know that the I. C. S. consists of such adaptable men that they will certainly rise to the occasion and will prove successful Governors whether they have been members of the legislatures or not.

The second point which we ought to realise is that all the ministers are going to be elected members of this House. At one time there was a fear that Government may nominate a Deputy Governor or a minister. That fear has been dispelled. We will have as completely an elected and responsible cabinet as we can get in any democratic country.

The next point to follow is that all the departments under the Punjab Government are going to be entirely in the hands of elected ministers with the result that as far as this province is concerned, all the ministers will be elected and responsible to the House and all the departments in this Government are going to be in their charge. No department has been reserved.

Pir Akbar Ali : Will the ministers be elected or appointed by Government ?

The Honourable Malik Sir Firoz Khan Noon : I shall come to that point later.

From these points it will be observed that as far as this province is concerned, under the proposed scheme we are going to have complete self-government. There is one very great change which I welcome, and that is this, that the future Governors have been given no control over the finances of the province, and I think rightly. Under the future constitution the whole money of this province will be at the disposal of the ministers and the legislature. That money can be disposed of in any way the ministers like or in any way the legislature may like.

There is one point in regard to the services. Some honourable members have laid great stress on this question. The question of services is certainly of such importance from the point of view of the working of the provincial government that it deserves the attention which has been given to it by this House. The scheme proposed in the report is that all the services except the police and the Indian Civil Service are going to be handed over to the provincial government as far as their recruitment is concerned. So, we need not say anything more about them. Now remains the question of the Indian Civil Service and the Indian Police Service. With regard to these with your permission, Sir, I should like to read to this House the views which I expressed in the memorandum of the non-official members of the Punjab Government on the recommendations of the Indian Statutory Commission. I said—

That provincial autonomy will be a sham if the security services, Police and Indian Civil Service (both Executive and Judicial Branches) continue to be recruited by the Secretary of State and remain under his control for all intents and purposes. Is it not a fact that there is not a single Dominion (Australia, Canada, South Africa) where security services are recruited by a Secretary responsible to the British Parliament? I consider that if the security services in Egypt are recruited by Egyptians there is no reason why this right should be denied to Indians. Even if the British element in these services cannot be immediately brought under the control of Provincial Governments there is no reason why the Indian element should not be forthwith placed under them.

I am glad to say that though the Joint Select Committee has not entirely agreed with that situation their mind certainly seems to be working in that direction. This can be gathered from a perusal of pages 182 to 184

[The Hon. Malik Sir Firoz Khan Noon.]

of their Report. I do not propose to read the whole of these pages, but I should like to read one or two lines from the Report :—

We believe, however, that there is much to be said for the recruitment in India of the prescribed proportions of Indians for the Indian Civil Service as well as for the Indian Police Service, and recommend this as a subject for consideration by His Majesty's Government

Later on, the report says—

We hope that the situation will have become so far clarified in five years' time from the date when the new Provincial Governments first take office that an enquiry may then be found of advantage.

So, you will notice that as far as recruitment to the Indian Civil Service and the Indian Police Service is concerned, the Joint Parliamentary Committee have conceded this point that after five years the position with regard to the recruitment of these two services is to be revised, and as far as the Indian element of these two services is concerned, I have no doubt that it will be impossible for Parliament to prevent the placing of the recruitment of these services in the hands of the provincial governments.

Now, I wish to say a word in regard to the past of these services. One honourable member yesterday referred to one particular instance in a particular district where one member of the Indian Civil Service did not co-operate with a member of the Punjab Governor's Cabinet. But the honourable member did not complete that story. I have no official information on the subject, but as far as I know that particular gentleman retired from the service. I have not the least hesitation in saying that in all matters the ministers and members of the Punjab Government have had the greatest support of their Governors in the past and I am certain that they will continue to receive that support in the future also. As far as the services are concerned, the officers of the Indian Civil Service and the Indian Police Service have entered into the spirit of the reforms in a most wonderful manner and I cannot recall a single instance where I have had occasion to be displeased with the conduct of any of the officers of these two services in the past. I have been going round the province recently and I have come across some of the young Indian Civil Service officers who have recently come out to this country. I have been particularly struck with the way the young European Indian Civil Service officers are serving in the districts. They have come to this province at a time when the reforms are in working order and they have fully imbibed the spirit of the reforms. It will be found that when these young officers are raised to the positions of deputy commissioners and commissioners, they will prove to be excellent servants of the public, worthy of the task which they will be called upon to perform in co-operation with ministers. The House need have no doubt at all regarding the full support which the future ministers will receive from these two services.

There are only one or two more points on which I should like to say something. One is the question of second chamber in this province. I have personally always been against a second chamber in this province and I am very glad to see that we have not been given a second chamber. The most important reason why a second chamber has not been given in this province is that we have no hereditary class of big land owners. For generations our land has been divided up between all sons equally. The rich

landlords are being continually levelled down to the status of their humbler brethren. So, it would have been wrong to have created a second chamber in this province when we have no hereditary rich land owning classes. Moreover, I think it is only right that the rich land owning classes should mix with their less fortunate brethren, keep in touch with them and realise their needs and have sympathies for them. This is not possible if there are separate legislatures. I do not wish to dwell further on this point.

The next point I am going to take up is the indirect election to the central legislature. In this respect I am in the happy position of being able to say that the Joint Parliamentary Committee have accepted my views. I have always been in favour of indirect elections to the central legislature. I shall explain my reasons for holding that view. But I may state that I am not the only one who holds that view. If I remember rightly, I am of course speaking subject to correction, when Mahatama Gandhi was in England at the second Round Table Conference he said either in an interview or at some meeting that he himself was in favour of indirect election for the central legislature. (*An honourable member*: Are you prepared to follow Mahatama Gandhi in every respect?) I will follow him where I think he is right. I shall explain why I prefer indirect elections. (*An honourable member*: Because ministers will have an opportunity of influencing the elections.) There may be differences of views. But let me tell the House why I hold the view about indirect elections. My fear is this: Take the case of the United Provinces from where three or four Muslims have to be elected to the legislature. Naturally the electorate for the Muslim representatives will be divided into two or three divisions. Is it possible for any member of the Assembly elected from the United Provinces Muslim constituencies to keep in touch with the electorate if his constituency is wide? My second reason is this: Under the direct election it will be impossible for any poor man to organise an election campaign over such a wide area. (*Interruptions.*) That is my view. I may be right or I may be wrong. Another point to which I would like to draw the attention of the House is this: If you have direct elections to the Legislative Assembly you will have two groups of elected representatives pulling different ways. The members of the central legislature will claim that they are the directly elected representatives of the people and that therefore they are entitled to speak on their behalf. On the other hand you will have directly elected representatives of the people in the provincial legislatures who will say that they alone are entitled to speak on behalf of the people. Eventually there will be a tussel for power between the centre and the provinces. (*Interruption.*) I am not now talking of Indian States. If a tussle between the centre and the provinces is to be avoided you must avoid a system of directly elected representatives for the centre as well as to the provinces. These are my views. I sincerely think that it is to the best interests of the provinces and their people that the members of the central legislature consider themselves as the representatives of the provincial legislatures.

I do not wish to deal with any other points as far as this Joint Select Committee's Report is concerned. But I wish to point out that as far as the Punjab is concerned I am not despondent at all. In my view as soon as the new elections take place the Hindus, Muslims and Sikhs are bound to come together and form parties which will represent all classes in this province.

[The Hon. Malik Sir Firoz Khan Noon.]

I am certain that the future government that will be formed will be non-communal. It will speak for the Punjab and act for the Punjab as a whole. There is, however, one thing to be remembered and that is this, that if you want to form yourself into a nation you must make a nation of yourselves. You must not expect that any foreign country is going to come and make you into a nation. We must try and remove our differences. After all, what are the primary needs of a nation? First of all, a common culture; secondly, common language. Are we working in the right direction so far as common language is concerned? Mussalmans are reading Urdu, Hindus are reading Hindi and the Sikhs are reading Gurmukhi. In another 20 or 30 years' time it will be realised that one Punjabi will not be able to read what another Punjabi has written or said. I am afraid that our society is moving on wrong lines, lines which are not going to lead to a United Punjab unless we sit together and put our house in order. These are no doubt small matters. What I wish to point out to the House is that we can ourselves take what we are now asking for provided we educate ourselves and make ourselves fit for it. And I personally have every hope that in the next ten or fifteen years, the people of the Punjab are going to be united and that the Punjab is going to be a great country.

Mr. Nanak Chand Pandit : May I correct a mistake? The Honourable Minister has attributed a mistake to me, but I think he is mistaken. He will kindly read page 362 where the qualifications for the voters of the Punjab are given and he will find at page (h) "having passed primary educational standard or a standard accepted by the Local Government as the equivalent thereof."

Mr. E. Mayadas (Nominated, non-official) : First of all we should consider the magnitude of the task which has been attempted by the Joint Parliamentary Committee. It concerns no less than one-fifth of the human race, 11 provinces and some 600 Indian States. The second thing is, whether we are desirous of remaining in the Empire or going out of it. I am glad that there are very few in the country and I believe none in this chamber, who have any desire of going outside the Empire, because of the great advantages of staying where we are. During the recent Great War the resources of Canada, Australia and other countries in the Empire were all available for us and the same will happen on the next occasion when war breaks out. The next question to decide is whether we want a Paramount Power in India and if so whether it should be weak or strong. I beg to say that in my humble opinion in the future, our advancement is entirely dependent upon the existence of a strong Paramount Power. Our civilisation and the progress of our civilisation is bound up with the Paramount Power. Civilisation might be said to rest on certain planes. There is a country which has no high ways. Again, there is one with poor highways and one with good highways. Again one also with canal systems; again one also with telegraphs, telephones and aeroplanes. Now in a country which has its civilisation resting on one or other of these planes, if you take away any one of them, you are taking away a certain amount of civilisation from that country and the level of civilisation will fall correspondingly. And if you take away all, the level of civilisation will fall extremely low.

What has the Paramount Power done for us in the past that we should desire it to continue? It has given us communications cutting across Indian States. Many of the Indian States did not like this; but it was the authority behind the Paramount Power that has enabled us to have them. What has the Paramount Power done for us in the Punjab? I will recount just a few things. The Grand Trunk Road which runs across several Indian States; the Sirhind Canal going across Indian States. There is the Jhelum Canal which has its head in an Indian State and there is the Bikaner Canal which has its head in British India. There is the big North-Western Railway system. The degree and level of civilisation that we have reached in the Punjab is due to the efforts of the Paramount Power. Further there is the Bhakra Dam Scheme which we have under consideration and for which we require extensive areas owned and controlled by Indian States and were it not for the Paramount Power we could not have dreamed of such a scheme.

As regards the retaining of the British element in the central and provincial spheres there can be no question, because our interests are so interwoven. The Indian Civil Service in the past has achieved a great work for us and it is due to their efforts, their influence, that this self-realisation has come to us and we are to-day asking for a further advance in responsible government. Amongst other things, they have done three great things. First they have impressed the people with their sense of justice. If to-day you were to go to any court and ask the litigants, in 99 cases out of 100 they will say that they would prefer to be tried by a British judge. Again it was in the year 1925 a discussion was held in this House in which it was pointed out that in the every day affairs of this province *sifarish* and *bhaz* play a great part. It is to the credit of the Indian Civil Service that these things do not play a part with them. Again it is due to their efforts that we have made one other achievement. The land values in British India stand higher than in the Indian States. If you happen to stand near the common boundary and make enquiries you will find that the land values in British India are 25 to 50 per cent. higher than in Indian States. I admit that the Indian Civil Service is not very perfect, and that there are exceptions here and there. But I say the Indian Civil Service is doing a great work. Speaking of the Indians in the Indian Civil Service they are also doing a great work. Their advantages of education and upbringing not being the same, they have not yet reached the same level and unfortunately a few are even below level.

As regards British trade and manufacture my attitude is, that all things being equal I should first buy Indian goods; second, British goods; third Empire goods; fourth outside goods, and I think that whatever protection is given it should be given on these lines.

Chaudhri Afzal Haq made a speech and he wants us to reject this scheme because it has been condemned all over India. Now supposing all of us sitting here want to go to a picnic and we asked you to bring a motor lorry in which to accommodate us all, and supposing that we got into the lorry, and one said that he wanted to go to Ferozepore, another to Multan side, another to Rawalpindi side and so on, and again some wanted to travel at 20 miles per hour, some at 50 and others at 100, under these circumstances how could you possibly please any one? Here is a country in which some want to go in one direction and others in other directions, how can any committee, however good it may be, produce a report which will please every-

[Mr. E. Mayadas.]

body ? Those who have found fault with the Report have apparently not studied the facts properly. We have been told by those who attended the Round Table Conferences, that there has been scrupulous honesty and impartiality on the part of the members of the Committee, but here some members tell us that solemn pledges have not been fulfilled. As far as dominion status is concerned, it is not a thing which can be brought and placed here just as the Kanadian throne was recently brought and presented to Ceylon. We are on the road towards it and we have been given a further advance and in case the rate of progress is not to our liking, let us be honest and look at the causes. I do admire Chaudhri Chhotu Ram, I have read the account of the interview he gave to a newspaper representative where he said that our very slow progress was our own fault and was due to our dissensions. That being so, what can the Prime Minister or anybody else do ? If India is lost to Britain, it means India is lost to the Empire and we can scarcely realise what a calamity that would result in. Therefore it is true that the British people are trying their very best to put us on the road and to give us what help they can under the circumstances. Is it not in keeping with this view that recently the Government instead of sending their opinion by post have sent it by cable ? They are, therefore, doing all they possibly can to expedite this matter.

Another point raised by Chaudhri Afzal Haq was that the princes will have a say in the matter of British Indian affairs while the British Indian representatives will not have a say in the affairs of the princes. I would invite, in this connection, the attention of the House to page 118 of Volume I, Part I, paragraph 217, where it is written that in a division on a matter concerning solely the British Indian subjects, state subjects should not be entitled to vote.

Then, there is the question of safeguards. So much has been spoken against safeguards. But let us just look round ourselves. We are surrounded by safeguards. Look at the safeguards provided by nature for fish. Ice floats on the surface and does not sink to the bottom. If it were to sink, then fish life would be impossible. In some countries where there is long and protracted winter, the seas would get solidified and the warmest summer would not be able to melt the ice, if this safeguard were not there all the fish life would die out. Look at our body. We are told by medical men that in our blood there are white corpuscles. What are they here for ? In case of damage they rush to the spot and commence the work of repairs.

Sardar Bahadur Sardar Buta Singh : Are we here to hear a lecture on anatomy ?

Mr. E. Mayadas : Two days ago, we read in the paper of His Excellency going to Lyallpur and on that occasion Mr. Sri Ram made a speech describing his new factory. He says that the factory has been furnished with automatic sprinklers, that as soon as fire breaks out the sprinklers will automatically come into play and put the fire out. Do we not have bridges across storm channels and dare we neglect to build bridges across them ? About two years ago I happened to go towards Khushab and I noticed that there was a road bridge and above it was a railway bridge. The railway had provided for surplus storm water and their bridge was not damaged

but the road people forgot to make that provision and the result was that the road was very seriously damaged. So, in the case of storm water channels for exceptionally heavy storms and floods which may come once in 50 years if the safeguards are there you will be protected otherwise you will suffer damage. It does not mean that these safeguards will come into play every day, but rather only when the necessity actually arises. We have been assured by the Honourable Leader of the House that the Reforms Committee of our own Council did recommend safeguards and that the safeguards now put forward have not gone beyond their recommendations. This should be sufficient for us.

Khan Bahadur Sardar Habib Ullah says that the Report is disappointing. I say that the Report is not disappointing. Supposing, I were strong enough to catch hold of your hand and compel you to write the word disappointing and were to say look here you have written the word disappointing with your own hands, would that be the proper thing to say? As a matter of fact the Joint Parliamentary Committee had certain materials placed before them and they have cooked a dish and if it gives a flavour of certain ingredients that were presented to them, is it their fault? If you say that their Report shows distrust is that right? If their Report suggests distrust, it is because our representatives have gone and told them that distrust exists among us, and that is why distrust is traceable in the Report (*hear, hear*). I would like to mention the opinion that Kanwar Sir Maharaj Singh, Agent to the Governor-General in South Africa has given. I happen to know him fairly well, and I know how very careful he is with his words. He says that the Report takes us onward on the path of dominion status and I feel myself that there is no doubt about it.

Another point referred to by Khan Bahadur Habib Ullah was that they have taken ten years to prepare this Report. But that is a point in their favour. It was said that if a Governor had been asked to write this Report, he would have made almost as good or perhaps a better Report, and all this trouble and expense might have been saved. The Joint Parliamentary Committee was entitled to enquire into and consider all the matters that have a possible bearing on this great question, and it is after much labour that they have prepared this Report, which is an impartial document of very great importance. This Report is not only in the interests of India but it is in the interests of Britain and also in the interests of the British Empire. Either we should say that they have deliberately prepared a document which is disappointing or that they were incapable of producing a proper document, but if we cannot say either of these things and nobody can possibly say so, then I cannot see how we are going to support the contention that the Report is disappointing. Either let them prepare a document with equal or better authority behind it or accept this Report.

Indirect elections have been condemned. I am glad to find at least one honourable member, the Minister for Education here who supports indirect elections. I also favour indirect elections. My community will have 21 representatives in the provincial legislatures and I understand that these 21 will be called upon to elect 8 members for the Assembly. I welcome the proposal and in case the other communities wish to go back to direct election I beg that my community be allowed to continue to enjoy indirect elections. We would rather not have direct elections. The evils of direct elections are

[Mr. E. Mayadas.]

very great. Look at the bad habits into which the voters are getting into. They want free motor rides, to be fed, and they want liquor. Not only that, there is one other very serious evil which I have not heard discussed in this chamber. I am afraid that in a majority of cases the returns of expenses made are not true. The returns of expenses do not actually show what the member has spent on motor lorries, entertainment and liquor. Friends are supposed to do all this, but the cost is actually borne by the candidate.

Sardar Bahadur Sardar Buta Singh : Have you got any personal experience ?

Mr. E. Mayadas : I have knowledge of the experience of other members who are as reliable as yourself and I know that in many cases members spend large amounts of money and it is extremely unlikely that any man backs his friends to incur those expenses to such an extent.

There is one matter about which I must admit my ignorance and that is about the necessity of widening the franchise. I am afraid that I remain yet unconvinced regarding the necessity of enlarging the franchise. The reason is this. Supposing that a community aims at a certain matter, and that matter can be achieved with the help of a narrow franchise, why should we then have a broad franchise, especially when the percentage of literacy in our country is so poor and the voter is unable to appreciate merit in the candidates ? Certainly as literacy increases, the franchise might be enlarged, but at the present time the widening will do more harm than good.

The Honourable the Leader of the House said yesterday that the basis of safeguards was good-will. That has been repeated again and again, but unfortunately good-will at present is conspicuous by its absence. All the same we must trust the majority community. The minorities must try their best to secure the good-will of the majority community and to secure it by safeguards or by force is not the best way. At the same time it is for the majority community to so act as to beget trust in the minorities. The will of the majority, however, must prevail and it is for the minorities to submit and it is by submission to their will that ultimately the majority also will undergo a change of heart.

There is one other matter and that is regarding the Christian element in the second chambers. In certain provinces second chambers are to come into existence. I am not aware whether seats have been provided for Indian Christians, in second chambers. In case this has been overlooked, I beg that this might be rectified now.

Then there is another very important matter from the point of view of my community. I think there should be some provision by which every ten years a revision should be possible. I say this for the reason that some communities are increasing while others are decreasing in population. Supposing ten years hence my community is reduced to half of what it is to-day, then we cannot expect that the same representation should be continued. Or suppose it increases four-fold, would it not be fair that the claims of my community be adjusted accordingly ?

The attitude of the Indian Christians in such matters is as follows, submit to the King. Honour and obey the authorities, resist not him that is evil, if smitten on one cheek turn the other. If compelled to go one

mile (in *begar*) go two. Do unto others as you would be done by. We will therefore gladly submit to the will of the majority as far as possible and if necessary we will also gladly undergo sacrifices.

Certain as the sun will rise tomorrow, I feel that we are on the road to joint electorates. It is bound to come and then it will not be communalism but merit that will count. Instead of calling the Report disappointing my attitude is, to say "thank you for the great efforts you have made. But we regret that the result has not been as satisfying as expected, but that is not your fault that is our fault. We have injected the virus of communalism and that is the cause why a great many defects have come to the surface. We will now look into the matter and we will try to rectify our weak points."

One very brief quotation I will read with your permission from Professor Tagore. He says—

So long as there is a feeling of separateness among the various elements that make the Indian nation, so long as there is want of sympathy and mutual understanding amongst different communities and different provinces, Swaraj or which we may call Responsible Government will remain a chimera.

Let us give the utmost we can and demand the very least possible and when not given the smallest share which is our due, we should still seek and utilise every opportunity for service and doing kindness to the other communities. With these words I oppose both the motions put forward by Chaudhri Afzal Haq and Khan Bahadur Sardar Habib Ullah.

Professor W. Roberts (Non-official, nominated): Sir, I rise to support the motion moved by Sardar Habib Ullah. I may say that the motion dealing as it does with a matter of such great importance as the Joint Parliamentary Committee Report which is the result of the best brains of Britain and India, is somewhat too narrow. At the same time I think it is the only alternative which we have at present to the original motion.

If I may take the time of the House for a few moments I have one or two criticisms which I would like to put before you. I am not saying that the Report meets the point of view of the European Association and we are taking steps even now to try and get the defects put right, but anything which we will do I may assure the House, will not give any fuel or ammunition to the die-hards in England who are at present trying to wreck the Bill.

Then again one other defect in the Bill from the European Association's point view is that there is no clear indication that interprovincial tariff will not be allowed. In other words, it is not clearly laid down that there must be free trade in India as a whole. This together with the increase in the number of provinces will tend to disrupt this country to some extent. I think this is a real danger. Even when federation is complete, I think this danger will still exist, and as you know even the best friends of this country must admit that there are plenty of disruptive elements here, and the efforts of all of us should be to see India progress as a united India and we should very jealously guard against any tendencies in that direction. I therefore plead for even more reservations in it with this end in view.

As regards dominion status, my impression from the parts of the Report which I have read is that this subject is not only not mentioned, but no fixed limit of time has been given for the further instalment of reforms, and why?—because this Report in itself provides for the future. And therefore it.

[Prof. W. Roberts.]

is neither necessary to mention dominion status or a further instalment of reforms. I honestly believe that when this Report is put through in the form of a Bill it will form the basis on which India can attain full self-government. Therefore, I think we are making unnecessary criticism in dwelling on this question of dominion status or dwelling on future instalment of reforms.

I have been struck like the Finance Member with the high plane on which the debate has been carried on. After all, this Report contains the best brains of India, men like Sir Akbar Hydari, Sir Tej Bahadur Sapru, Sir Purshottamdas Thakurdas outside the Council, and even in this Council men like Chaudhri Zafrulla Khan, Sardar Buta Singh, Sardar Ujjal Singh, Pandit Nanak Chand and Sardar Sampuran Singh—all men whom we trust. They have done the very best they could to improve this Report and for this reason I think the terms in which our present motion is put, may help the opponents of the Bill in England and may add fuel to the fire. I ask the House to consider whether in the coming fight in the British Parliament whether the Churchill Party—Mr. Churchill is a very able man and he has very able lieutenants—whether they are not likely to gain some more points in future for the restriction of the reforms, and I would therefore suggest that as sensible men—and the Punjabis have plenty of commonsense—it would not be wise for us to pass a motion in such a form as will give any fuel or ammunition to the opponents of this Bill in the British Parliament.

Khan Bahadur Mian Ahmad Yar Khan Daulatana (Muhammadan landholders): I will just take five minutes of the House because there are some other members who wish to speak on this motion. I had no intention of speaking but after the speeches of my friend, the Deputy President, my friend from Hoshiarpur (Sardar Arjan Singh) and the speech that was made by my friend Sardar Sampuran Singh, I want to say just one word in reply to what they have said. I am really sorry that the discussion about the communal award crept in this debate. (*An honourable member*: How can it be avoided?) As far as I have been able to understand, none of our brethren, neither the Sikhs nor the Hindus deny the right of a majority community to a majority of seats but what they object to is the method of the election. My Hindu and Sikh brethren say, let the majority community have a majority of seats but not through separate electorates. As far as the question of joint electorates is concerned, in the absence of adult franchise the real criterion is not the population but the voting strength, and as far as that criterion is concerned the majority community of this province is in a minority in voting registers and unless the majority community is turned into majority in the voting register they cannot be expected to behave like a majority. If the minority communities agree to the majority of the majority community in the voters and the majority community then insists on separate electorates, I think their grievances will be genuine and their condemnation of the award will be justified. It is needless for me to repeat what was discussed about two years ago. We all know and I think it will be futile to remind the House of Sir Sikander's formula and its details and the attitude of our friends towards it. After this I have just to say a word about the indirect method of election. Our Leader will be just speaking on behalf of the Party and my opinion about the Report is that from the provincial point of view there are several black spots but the substitution of

the indirect method of election instead of direct is perhaps to be regarded as the blackest. I do not agree with my friend the Pandit ji that the indirect elections will corrupt the members of this Council, but there is no doubt that it will corrupt the politics of local legislatures. It may be that eventually it may prove a rock on which ministries may perish. I fear that through indirect elections there may be a possibility of professional politicians being able to find places in the central legislature who under direct method may not even hope to get back their security deposits. Whatever the reasons may be this is a definitely retrograde step.

There is one thing more which I have not been able to understand. A member who is elected by an electorate should be responsible to that electorate. Supposing a provincial council elects say 20 members to the central legislature. The members of course will be responsible to the local legislature but by the time they seek their re-election the electorate will be quite different, because as far as I understand the term of the local and the central legislatures will be the same. Supposing a local legislature in the beginning of 1935 elects 20 members. When they offer themselves for re-election, their electorate in the beginning of 1940 will be quite different. It is quite possible that the whole council may be replaced by new members. I think that that is a blunder that the authors of the Joint Parliamentary Committee have made and I purely from the point of view of a provincial legislature condemn it and feel that it would create many difficulties and inconveniences as far as the smooth working of a provincial legislature is concerned.

As regards the main Report, I think it is not at all necessary to discuss at length the reasons why it is on the whole unsatisfactory, gloomy and disappointing. But who is responsible for this? There is no doubt that the British statesmen have taken advantage to the fullest extent of our differences and we can only blame them for having done that. But mostly the blame lies at our own door. I think the unfortunate and the graceless way in which our leaders have been discussing these questions in the past does not entitle us to even this much. The British Government will not part with a grain of power unless it is made impossible for them to retain it. My unhappy country stares at the framers of the Report and their Leaders with sullen indignation. Our leaders have accentuated our differences and our rulers have taken the fullest advantage of it. Poor India repeats the famous verse (of Princess Zebunnisa) after reading the Report—

صبا را شرم می باید بسوخته گل نگه کردن
که رخت غنچه را وا کرد و نگذاشت نه کردن

The Spring breeze should be ashamed to look at a flower in bloom for it ignored to make a fair estimate of its limitations inasmuch as it opened the folds of the closed bud and now finds it beyond its capacity and ability to restore the blossoming petals to their former security.

Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): Sir, I beg to move—

That the last four words, i.e., "and should be rejected" be deleted from the original motion.

Mr. Nanak Chand Pandit : I rise to a point of order. This amendment should have been moved at an earlier stage. If it is allowed to be moved now, we will have no opportunity to speak on this amendment.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : This amendment is identical with the one proposed by Mian Nurullah.

Mr. Nanak Chand Pandit : But Mian Nurullah did not move his amendment.

Mr. President : There is no force in the point of order raised. The honourable member, Chaudhri Riasat Ali, has given notice of an amendment and is entitled to move it when he gets an opportunity to speak, that is, when he is in possession of the House.

Khan Bahadur Sardar Habib Ullah : I submit that it would have been better if the Chair had called upon the honourable member to move this amendment even yesterday so that we might all have had an opportunity to speak on the amendment.

Mr. President : It is not for the Chair to call upon any member to move his amendment. There is no such provision in the Rules or Standing Orders. It is for a member to move his amendment when he is in possession of the House, that is to say, rises to speak to the main question. The honourable member caught the eye of the Chair only now and is entitled to move his amendment now.

Mr. Nanak Chand Pandit : May I point out that a convention has been established by which the Chair used to call upon a member to move his amendment? That convention has been now violated by you.

Mr. President : If the honourable member, who has given notice of an amendment, does not rise to move it, is it the duty of the Chair to call him to move it at an earlier stage or forego his right to move it later?

Mr. Nanak Chand Pandit : A convention has been established by which you have been calling upon members to move their amendments.

Mr. President : There is no such convention. Excepting the case of Bills no member, who has given notice of an amendment, is entitled to precedence on that account, nor can he claim to be called unless he himself rises to speak. The practice is that a member who is in possession of the House is entitled to move an amendment at any moment after the main question has been proposed and before it is put.

Chaudhri Riasat Ali : I stood up even yesterday to move my amendment, but I was not fortunate to catch your eye then.

The much awaited Joint Parliamentary Committee's Report is now published and it is gratifying to see that the apprehension that the White Paper proposals might be whittled down has proved unjustified. This Report is a revolutionary document, revolutionary because it destroys the hitherto unitary system of government in India and sets about to build up federal government on provincial foundations. As a student of constitutional history one is bound to feel that the Report is without parallel in the manner in which it deals at length with the problems it was asked to report on. I should say it is an "Instrument of Instructions" for the future

Governors, Governors General, the Secretaries of State, the ministers and the members of the British Government, inasmuch as it definitely lays down the sphere of each one of them and no doubt is left as to what is to be done and how it is to be done and why it should be done. The Report has been before the public for the last three weeks and by now every shade of opinion has been expressed. Though the Report has not given full satisfaction, the general aspect is not very gloomy. (*Hear, hear.*) In India stalwarts like Sir Tej Bahadur Sapru, Sir Chiman Lal Setalvad and Mr. Jayakar, in spite of the fact that they have pointed out certain defects in the details of the Report, have advised us to work these reforms. Muslim leaders like Sir Abdullah Shuhrawardy, Sir Ghulam Husain and Sir Muhammad Yakub have given expression to the same trend of view. I may say that the views of the majority of the Press is that the Report on which so much time, money and labour have been spent should not be rejected summarily, and it is unstatesmanlike to throw it overboard after a long period of deliberations and conferences. History also teaches us that the methods and programmes of obstructionists and wreckers of constitutions have always been barren of results, while those of the co-operators and responsivists have always been full of fecundity.

I shall now proceed to mention very briefly, as the time at my disposal is very short, some of the good points in the Report. The position in my view is that the provincial autonomy is now an accomplished fact. The sphere of democracy will be enlarged in four directions, i. e., (1) there would take place a wide extension of franchise, (2) official and nominated block would disappear, (3) size of provincial legislature would be doubled, (4) dyarchy would be replaced by a unified administration under the ministers. The most important feature which shows the far-sightedness of the framers of the constitution and which will prove the acid test for the workers of the constitution is the transference of law and order. This alone is the most important feature which should make us accept the Report. There have been some misunderstandings so far as this part of the recommendations in the Report is concerned. The apprehension is, as has been said by many previous speakers, that the ministers will not be able to see the confidential reports of the police. If we study the recommendations in the report rather carefully, we will be convinced that this is not so. The ministers are quite welcome to see the reports, only the names of agents and informers will not be disclosed to them. Even to-day, if I am not mistaken, the practice is to refer to the agents and informers as X-A and X-B and not by their actual names. I do not see any harm if the names of these informers are not disclosed to the ministers. I think it is rather for the good, because, otherwise when a minister goes out of office his knowledge of the names of informers might be embarrassing to the constitution itself and to the executive government.

The second point I want to mention is that responsibility at the centre is no longer a mere dream or a vague promise. The Government has already accomplished whatever was in their hands in this direction. The Reserve Bank is going to function soon, the Railway Statutory Board will soon be established. It is now for our ruling princes to accelerate this part of the constitution. Most of them have already agreed to join the federation and I hope others too will soon express their readiness to join it. The

[Ch. Riasat Ali.]

sporting zeal and team spirit which they have hitherto exhibited in the field of games I hope they will show even in the field of politics. Another matter which is of vital importance is that henceforward no previous sanction of the Governor-General will be required for legislation concerning religious and social matters. This is a very important advance over the present constitution. If we remember the agitation over the Temple Entry Bill and also the great agitation raised from thousands of platforms by the sanatanists that this Bill was banned by the Queen's proclamation, we will be ready to admit that this provision recommended in the Report is a very important break from the past. The next important thing I wish to mention is the endorsement of the Fiscal Autonomy convention and freedom in tariff matters. There is no doubt that trade discrimination has been banned, but if we give our best consideration to the Report we will see that much of the economic power has been transferred to us. The British in this country began with the dual object of collecting revenue and maintaining law and order. Later on they took up social, religious and economic matters. Now they are reverting to the original position. We are being given full latitude so far as religious, social and economic affairs are concerned. The British will now mainly concern themselves only with the collection of revenue and to some extent with the maintenance of law and order.

Much has been said on the floor of this House and even outside this House by my friend, Mr. Nanak Chand Pandit. I would like to dwell, though briefly, on three of his points. He said on the 15th of December in the Maynard Hall, "The report contained many big and good things but it also contained many big blunders. The first is the pernicious system of separate electorates?" I have heard members speaking on this point and I would have refrained from speaking on this; but I feel that something must be said in this connection. The Muslims have been in this country for the last 10 centuries and in spite of this fact, I am sorry to say that Muslims and Hindus are two separate entities. They are different so far as their food and dress is concerned; they are different so far as their culture is concerned and they are different so far as their customs are concerned. Untouchability is still existing. It may not be existing in some classes. If a Muslim, for instance in some cases, happens to touch the table or the food of a Hindu, the gentleman is bound to throw it away. The Hindus feel strangers in Muslim Mohallas and the Muslims feel strangers in Hindu Mohallas. There is still existing the question of the *tazia* and the *pipal* tree and the quarrel over music before mosque and the question of *halal* and *jhatka*. There are still Muslim and Hindu boarding houses, Hindu kitchen and Muslim kitchen, Hindu *roti* and Muslim *roti*, Hindu *pani* and Muslim *pani* and so on. When these things exist, where is the wonder in having Hindu wards and Muslim wards and Hindu constituencies and Muslim constituencies? These are necessary evils. But we should rise above these things and then say that we should not have separate electorates. Let us be Indians first and Punjabis afterwards; let us be Punjabi first and Hindus, Muslims and Sikhs afterwards and then we will be justified in demanding that there should be no separate electorates. It is very painful to admit these things but facts are facts. I am not a communalist. I am one of those who are ready to eat from the hands of a Hindu brother even

though he does not like to eat from my own hands. But I am forced to say that as long as these things exist these separate electorates are a necessary evil.

So far as indirect election to the central legislature goes, I do not want to dwell on it long. It may be wrong in principle. But as the Honourable Minister for Education and my honourable friend, the Secretary of my party, mentioned, it has both good points and bad points. The next point I would refer to is the "safeguards in the interest of the British" as Pandit Sahib calls them. These safeguards have already been referred to by the Honourable Finance Member. He compared the constitution without them to "a steam engine without a brake." I will give another simile. The constitution without safeguards will be like a motor launch or boat in wide seas without a steer or rudder. Some of them are there owing to our own limitations, while others are there owing to lessons from history. I assure you, Sir, that the day when India begins to act nationally and patriotically, these safeguards will be nowhere. They are necessary now; because we are so hopelessly divided. They are there to safeguard the interests of the minority communities and to protect the men in services, and so far as these exist, there is nothing wrong about the safeguards. Those who know the game of cricket will find that the ministers will be the wicket keepers and the Governors will only be the long stop and nothing more. If the ball cannot be stopped and kept in check by these worthies, it might be caught and held by another man sitting behind. The Governor may also be compared to the danger wires or poles in electricity. Unless they are there everything which falls on the electrified wires is sure to burn. So the presence of the Governor is necessary just as the presence of the danger pole or wire. Moreover we should depend on the integrity, on the intelligence, on the education and on the good-will of our future Governors. Rather I suggest that we should have safeguards for our ministers because even in those matters in which they are given full authority they take the papers to and consult the higher authority. So there must be safeguards to protect this. After all we are only arguing in the abstract; let us work the thing. Let us put our shoulder to the wheel and very good results on both sides will be achieved. Let us muster strong under the banner of the workers of the constitution and prove the value of its working to the country.

Mr. President : Motion under consideration, amendment moved.—

That the last four words of Chaudhri Afzal Haq's motion be deleted.

Shrimati Lekhwati Jain (North-East Towns, non-muhammadan Urban) (Urdu) : Sir, in supporting the motion moved by the honourable member for Hoshiarpur (Chaudhri Afzal Haq) I shall try to throw a dim light on some of the aspects of the Report by the Joint Parliamentary Committee. Before I do so I may be permitted to say that I have tried my best to find out if there are any good points in the Report. I may go so far and say that I have used a microscope, which a person will use who hopes to get a position under the Government or who has been promised a position under the Government as I have been actually promised, to find out the merits of this Report. But I am sorry to say that in spite of all these efforts I have failed to see any merits. I can say that there is not one point in this Report which may be calculated to satisfy a true Indian.

[Sh. Lekhwati Jain.]

As you are aware, Sir, the British Government and its representatives here in India have been telling us from time to time that they are prepared to grant dominion status to India in the near future, but there is not one word in the Report which may even imply that this status is to be granted to India even in the remote future. This Report is altogether silent about that pact called the Gandhi-Irwin Pact for which the name of Lord Irwin will go down to posterity and in which our present Governor was also concerned. There is no mention in this Report even of that joint memorandum which was submitted by our Deputy President and some other honourable members of this House and about which a resolution was also passed by this Council in its last budget session. All those representations, memoranda, promises and pledges appear to have been thrown to the wind. The Indian point of view has been hopelessly and totally ignored and in the circumstances it is no wonder that this Report has evoked opposition from all quarters and throughout the length and breadth of the country. It is being opposed, as all of us know, by all people from Raskumari to Kashmir and from Karachi to Burma. What to talk of the Congressmen and patriots, it has failed to satisfy even the moderates who are now as enthusiastic as anyone else in rejecting it. I shall not be wrong if I say that there are few people in India who are prepared to give their support to this Report. And if you find anyone supporting it, it is not because he is convinced that there are really some good points in it. He is, I am sure, supporting it because in his opinion it is the only opportunity for him to win the pleasure of the Government and its officers who have patronage in their hands (*hear, hear*). For instance, our respected Pandit Nanak Chand has blessed this Report and has tried to make us believe that there are at least three very good points in it. One is that it gives us federation at the centre. The other is that it gives us provincial autonomy and lastly it widens the franchise. It may be so from his point of view, but I beg to differ from him. There is no doubt about it that in the Assembly, that will come into existence under the new constitution, there will be no nominated members and there will be no Government block. But as Pandit ji must be aware there will be Rajas and Maharajas to make up that deficiency. These Rajas and Maharajas, I may say with due respect to them, will be even worse than the official block. They will never be able to act independently. They will always play into the hands of the Imperial Power like puppets, because whatever they possess is at the pleasure of the Home Government. I say that these Rajas and Maharajas will be even worse than the official block from another point of view also. Under the present constitution the number of official and nominated members in the Assembly which consists of 144 members in all, is only 40, but the number of their worse substitutes in the new constitution will be 144 as against 350 members in all. In other words the official block, as I call it, will be more powerful in the Assembly that will be formed under the new constitution. Under the circumstances no one can reasonably say that this so-called federation which is proposed to be given to us and about which Pandit Nanak Chand appears to be so very hopeful, will be something to boast of. If I may say so it will be worse than the present Assembly.

Now let us see whether this Report gives us provincial autonomy in its real meaning as Mr. Nanak Chand would have us believe. I admit that all

the Government departments will be placed under the control of the ministers who will be six in number, as I guess it, and that three of them will be Muslims, two Hindus and one Sikh (*Honourable Members*: How do you know that?) It is only my guess. But these ministers will have no real power. They will always be at the mercy of His Excellency the Governor who will have full power to get rid of them at any moment by accusing them of tendency of sympathy with the terrorists and such other activities. The Governor will further have the power of taking the control of any department in his own hands if he finds that any of the ministers is acting against his wishes. He will even have the power to dissolve the Council for some time. Besides these powers, the Governor will have the power to make not only emergency laws to remain in force for a period of six months or for any limited period, but laws of a permanent nature. It clearly means that the Governor will be all in all and the ministers will be mere figure heads. In the face of these facts no one can say that it is provincial autonomy or even approaching something like provincial autonomy. Only the other day the Minister for Education in his presidential speech in the Y. M. C. A. tried to assure his audience that the Governor will not interfere with what the minister likes to do reasonably and honestly, and that, therefore, we should have no fears on the score that the Governor is being vested with very wide powers. He further told the audience that he was saying so on the strength of his experience for eight years as a minister during which period the Governor had never interfered with what he wished to do. That may be so. I am prepared to admit that that is really his experience. But may I ask him if he has ever dared to do anything contrary to the wishes of the Governor? If he has always been guided by the wishes of the Governor any interference by the latter was out of the question.

The Honourable Malik Sir Firoz Khan Noon: Many a time I had to act contrary to the wishes of the Governor.

Shrimati Lekhwati Jain: In any case it is not necessary that if the Governor has not interfered before he will not interfere in the future too. This will readily be admitted that the ministers will not have the power to enforce their will so far as their subordinates are concerned, because they will not be able to punish them in any way for their wrong-doing. In short the new constitution will be like a locked box the key of which will be in the possession of the Governor and the ministers will always look to the Governor for that key.

Now I come to the widening of franchise. It has been widened because direct representation has been substituted by indirect one. What a pity that we have been asked to accept it as one of the good points in the Report! The Honourable Minister for Education was just now pleased to say in his speech that this system of indirect election was good because the candidates for the Assembly would not have to undergo so much inconvenience as they have to experience now under the present system. What an argument for this change for the worse! Besides other defects that have already been pointed out in regard to this system of indirect election, one serious defect that will creep in public life will be that public in general will become corrupt. You know that even under the present circumstances the candidates for election to all bodies spend a lot of money. We are told that as

[Shrimati Lekhwati Jain.]

many as ten thousand, twenty thousand, fifty thousand and one and two lakhs of rupees are spent by the candidates to win a seat in this or that body. This is what we know from the newspapers. And if this is so, you can very well guess that the votes of the 42 Hindus members of this Council will be easily purchased by the six candidates for the Assembly and similarly of the Muhammidan members of this Council. Another indirect result of this will be that persons who spend so much for being elected as members of this Council will have the incentive to spend more in future because they will be sure to regain much as the price of the votes that they will have to cast for a candidate for the Assembly. Under this indirect system of election only men like Raja Sahib, Doctor Sahib and Lala Gopal Das will be able to seek election and those who are the true servants of the people will have no place in these bodies. This in short will be the pernicious effect of this indirect system of election which we are asked to bless as very convenient and very useful.

By the proposals embodied in this Report we are not given any powers to ameliorate the condition of our trade and industries. Even at present we cannot frame a law to protect our trade or industrial interests. In the circumstances no one can say that we have been given dominion status. We fail to find our way to agree to the proposals incorporated in this Report. At present there are three motions before the House. The first motion was moved by honourable Chaudhri Afzal Haq, the second was moved by honourable Sardar Habib Ullah and the third was moved by the honourable member who criticised this Report and opposed it. This shows that honourable members are not satisfied with the proposals of the Joint Select Committee of the House of Parliament. From the Indian point of view this Report cannot be accepted so long as it is not materially changed in its objectionable aspects. Congress is the greatest political body in the country and it represents the public opinion in India. Congress has also passed a resolution to the effect that the proposals contained in this Report are unacceptable unless some substantial improvements according to the Indians' desire are made in them. Similarly Ahrar Party which is a very influential body in this country has also passed a resolution expressing their disappointment at what is contained in this Report. These proposals require a lot of improvement. Unless they are not amended they would not satisfy any section of the Indian public opinion. We were promised dominion status but the statesmen of England have gone back upon their word and they have given us a thing utterly disgusting and disappointing from the point of view of our aspirations. If dominion status is not granted to us in the near future agitation on a very large scale will be made and then the Indians will not be content even with dominion status. They would then prefer complete independence and for the severance the framers of this Report will be responsible. We will then want *puran swaraj*.

Then there is the question of separate electorates. To-day no Hindu can vote for a Muhammadan candidate seeking election for the Assembly. Similarly Hindu ladies cannot vote for a Muhammadan lady candidate for any of the legislatures. This continuously creates a schism between the two communities, a thing which is very deplorable. The Indian Women's

Conference decided that they want joint electorates and passed a resolution in favour of joint electorates. They demanded joint electorates for themselves. But no heed has been paid to their demand.

It is very deplorable that in the second chambers no seats are reserved for women. The women candidates can seek election to the Lower Houses, to the Prince's Assembly and to all local legislatures but they are not given the right to seek election to an Upper House. If they are considered to be fit to sit in the Lower Houses and the local councils then there is no reason why they should not be regarded fit and qualified for the Upper Houses. The women should be given the right to become members of the Upper Houses also.

In the end I would only like to emphasise that this Report should be rejected and not agreed to, and it should be made clear to Parliament that nothing less than dominion status can satisfy the aspirations of the Indians. Further, it should also be made clear to Parliament that if the Indian aspirations is not satisfied there will be agitation in the country to an extent that the connection between India and England which has been existing for the last two centuries might break causing much loss to England. There is still time to mend matters. With these words, Sir, I resume my seat.

Khwaja Muhammad Eusoof : Sir, I beg to move—

That for the words 'should be' the word 'is' be substituted in Chaudhri Afzal Haq's motion.

The motion was carried.

Mr. President: The question is—

That the last three words 'and is rejected' be deleted from the original motion.

The motion was carried.

Pir Akbar Ali : Sir, I beg to move—

That the question be now put.

The motion was carried.

Mr. President : The question is—

That whereas, the scheme of constitution outlined in the Report of the Joint Parliamentary Committee definitely falls short of the pledges given by His Majesty's Government and does not satisfy the Indian aspirations, in the opinion of this House it should be declared inadequate, unsatisfactory and disappointing.

The Council divided : Ayes 14, Noes 25.

AYES.

Afzal Haq, Chaudhri.

Bhagat Ram, Lala.

Chetan Anand, Lala.

Habib Ullah, Khan Bahadur, Sardar.

Lekhwati Jain, Shrimati.

Mararaj Singh, Chohan, Kanwar.

Muhammad Abdul Rahman Khan,
Chaudhri.

Muhammad Sadiq, Shaikh.

Muhammad Yasin Khan, Chaudhri.

Mukand Lal Puri, Mr.

Nihal Chand Aggarwal, Lala.

Ram Sarup, Chaudhri.

Sewak Ram, Rai Bahadur, Lala.

Zaman Mehdi Khan, Khan Bahadur,
Malik.

NOES.

Abdul Ghani, Shaikh.
 Ahmad Yar Khan Daulatana, Khan Bahadur, Mian.
 Akbar Ali, Pir.
 Allah Dad Khan, Chaudhri.
 Bahadur Khan, Sardar.
 Chhotu Ram, Rao Bahadur Chaudhri.
 Faqir Hussain Khan, Chaudhri.
 Fazl Ali, Khan Bahadur, Nawab Chaudhri.
 Gurbachan Singh, Sardar Sahib Sardar.
 Janmeja Singh, Captain, Sardar Bahadur, Sardar.
 Jaswant Singh, Guru.
 Labh Chand Mehra, Rai Sahib, Lala.
 Mayadas, Mr. Ernest.

Mubarak Ali Shah, Sayad.
 Muhammad Hayat Qureshi, Khan Bahadur, Nawab.
 Muhammad Jamal Khan, Leghari, Khan Bahadur Nawab.
 Mushtaq Ahmad, Gurmani, Khan Bahadur, Mian.
 Noor Ahmad Khan, Khan Sahib, Mian.
 Nurullah, Mian.
 Pancham Chand, Thakur.
 Ram Singh, 2nd-Lieut., Sardar.
 Riasat Ali, Chaudhri.
 Roberts, Mr. W.
 Sheo Narain Singh, Sardar Bahadur, Sardar.
 Zafrulla Khan, Chaudhri.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Muhammadan, Rural): I should like to say just a few words by way of reply. I may, however, assure the House that I will not detain the honourable members long. I submit that whenever it suits the honourable members on the official benches they say that the debate has been of a high order. When it does not suit them, they snub and threaten the members of the opposition. That high level of debate which has been alluded to by my honourable friends on the other side can be judged from their own speeches. It can also be judged from the speech that I have also made. From first to last all those points that I have brought before this House have not been answered at all. (*Interruption.*) I am told that I must fear Churchill. I need not be afraid of the Churchill of England. I have to be afraid of Churchills sitting here. They are worse enemies of this country than the Churchill of England. I expected a sympathetic attitude evinced by the official members, but I do not find any word of sympathy in the speeches of the official members who have taken part in the debate. I may point out that from Lord Irwin to the Duke of Connaught pledges have been given that we will be given dominion status, but there is not a shadow of dominion status in the Report which has been placed before us. It has been said that our attitude will make the die-hards in England more powerful. I may assure you that if the die-hards in England become more powerful, the extremist element in this country will become still more powerful. What happened in the year 1929? Perhaps those who have followed the politics of this country will remember that on the 23rd December there was a small round table conference in Delhi and it was attended by Motilal Nehru, Sardar Patel of the Legislative Assembly and Lord Irwin himself. There was Mahatma Gandhi also. At that conference the leader of Indian opinion tried to impress upon the Viceroy that if he promised dominion status for India every agitation would stop. At that time Lord Irwin who was a

very honest and sincere man and very sympathetic towards our people said that he sympathized with our aspirations, but he could not at present agree to that. It was only after that that the National Congress passed a resolution asking for complete independence. They were forced to pass the resolution of independence because there was no hope held out to the Indian people that even dominion status would be conceded to them. It was after a bad disappointment that that resolution was passed. Though I tried to oppose that resolution in the Congress committee still I know that there was force behind that resolution.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : Do you mean *Purna Swaraj* by dominion status ?

Chaudhri Afzal Haq : Yes. Before 1929 in our resolutions the *swaraj* meant within the Empire and even without the Empire. It was the Indian people who put forward that resolution. But it was the British officers and the attitude of the British people that made the Indian people stick to that resolution of independence. I now quote one couplet:—

بہر تغافل ہائے لیلیٰ کرد مجنون را خواب
ورقہ آن بیچارہ را لیلیٰ خرابائے نبرد

The Indian people were always loyal to the people of England but when the people of England disappointed them time and again, it was then that as human beings we felt it our duty to resent that attitude of the Britishers. Now some people think that the Britisher yielded these powers out of his own free will. But history says something against it.

Mr. President : Motion moved—

That in the opinion of this Council the Report of the Joint Parliamentary Committee does not satisfy the aspirations of Indians.

The question is that this motion be adopted.

The Council divided : Ayes 14, Noes 5.

AYES 14.

Abdul Ghani, Shaikh.
Ahmad Yar Khan Daulatana, Khan
Bahadur, Mian.
Akbar Ali, Pir.
Allah Dad Khan, Chaudhri.
Bishan Singh, Sardar.
Buta Singh, Sardar Bahadur Sardar.
Chhotu Ram, Rao Bahadur, Chaudhri.

Faqir Hussain Khan, Chaudhri.
Muhammad Hayat Qureshi, Khan
Bahadur Nawab.
Muhammad Yasin Khan, Chaudhri.
Noor Ahmad Khan, Khan Sahib,
Mian.
Nurullah, Mian.
Roberts, Mr. W.
Zafrulla Khan, Chaudhri.

NOES 5.

Afsal Haq, Chaudhri.
Bhagat Ram, Lala.
Lekhwati Jain, Shrimati.

Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Sadiq, Shaikh.

The Council then adjourned till 1-15 P.M., on Thursday, 20th December, 1934.

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PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Thursday, 20th December 1934.

The Council met at the Council Chamber at 1-15 P.M. of the clock. Mr. President in the chair.

OATH OF OFFICE.

The following members were sworn in :—

Mr. A. V. Askwith (Officer on Special Duty).

Mr. H. J. Pearson (Officer on Special Duty).

STARRED QUESTIONS AND ANSWERS.

CUSTODY OF CATTLE FOUND WITHIN THE CANAL BOUNDARIES.

***3994. Chaudhri Faqir Husain Khan :** Will the Honourable Revenue Member kindly state—

(a) whether the overseer, zilladar and beldar are authorities under the Canal Rules to take into custody cattle found on the canal bund or grounds within the canal boundaries ;

(b) if the answer to (a) is in the negative, whether Government is aware that such persons as are mentioned in (a) usually catch cattle without authority ;

(c) whether the Government intends to issue instructions to prevent this abuse of power ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) No.

(b) & (c) No, but if the honourable member has in mind any instance, he will please quote it when an enquiry will be made.

REDUCTION OF LAND REVENUE.

***3995. Chaudhri Afzal Haq :** With reference to question No. *3364,¹ dated the 27th June 1934, will the Honourable Revenue Member be pleased to state what action the Commissioner took on the petitions ?

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The Commissioner forwarded the petitions to the Deputy Commissioner of Hoshiarpur who found on enquiry that there was no case for a remission of land revenue.

POWERS TO DEAL WITH TERRORISTS IN THE NEXT CONSTITUTION.

***3996. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

(a) whether it is a fact that the Punjab Government in their memorandum specially recommended that powers to deal with terrorists should be invested in the Governor in the next constitution ;

[Chaudhri Afzal Haq.]

- (b) whether the Government recommended that the Chief of Police may not be required to disclose the names of the informers even if asked by the responsible Ministers ?

The Honourable Mr. D. J. Boyd : What correspondence there has been has been with the Government of India : and it is not in the public interest to disclose it.

BOGUS VOTERS.

***3997. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) the number of bogus voters arrested in the Lahore Municipal elections held recently ;
(b) whether the Government have information that candidates ordinarily hire persons to vote for them in spite of the fact that they have no vote and even do not live in the ward for which they give their votes ;
(c) whether the Government propose to make an enquiry into the matter ?

The Honourable Dr. Gokul Chand Narang : (a) Twenty-five.

- (b) No such complaint has reached Government.
(c) Any specific complaints of impersonation received by Government or its officers will certainly be investigated.

POLITICAL PRISONERS.

***3998. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) whether Government have made enquiries whether all the political prisoners who are kept separate from other prisoners are given proper facilities for taking exercise ;
(b) whether every such prisoner has a companion ;
(c) the total number of political prisoners who are kept separate ?

The Honourable Mr. D. J. Boyd : If the honourable member will inform me what class of prisoners he means by political prisoners, I will have the requisite information collected.

OPINION ON JOINT PARLIAMENTARY COMMITTEE REPORT.

***3999. Chaudhri Afzal Haq :** Will the Honourable Finance Member be pleased to state—

- (a) whether the Government of India or Home Government have invited Punjab Government's opinion on the Select Committee Report on the future constitution which has just been published ;
(b) whether the Government will lay that opinion on the table ?

The Honourable Mr. D. J. Boyd : Correspondence with the Government of India and Home Government is confidential : and it would not be in the public interest to reply to this question.

ENLISTMENT OF MIAN CHIRAGH-UD-DIN AS MEMBER OF
CRIMINAL TRIBE.

***4000. Sardar Jawahar Singh Dhillon :** Will the Honourable Revenue Member please state—

(a) whether it is a fact that one Mian Chiragh-ud-Din, son of M. Barkat Ali, of village Khurla Kingra, Thana Sadar Jullundur, was enlisted as a member of a criminal tribe in the year 1933, —vide Government notification No. 9245, dated the 27th March 1933,—and his movements were restricted within the limits of his village ;

(b) if so, the reasons therefor ?

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

(b) Because investigation by the Allahabad Police revealed that he was associated in crime with persons who were being prosecuted by them for counterfeiting and who were themselves members of a gang notified as a Criminal Tribe by this Government.

REPORT OF THE FRANCHISE COMMITTEE.

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muhammadan, Rural) : I thank the Government for giving this Council an opportunity to discuss the Franchise Committee's Report. I do not propose to take up the time of the House in discussing the Report in detail. I only wish to place before honourable members my views on three matters. The first is the landlords' constituency, the second is the women's constituency and the third is the allotment of seats in the Ambala division. As regards the landlords' constituency I wish to point that the qualification of a voter in this constituency is the same as at present that is, the payment of Rs. 500 as land revenue or the assignee of land revenue to the same extent. I wish to submit that this qualification should be lowered and a person paying land revenue to the tune of Rs. 250 should be made a voter. The fixing of qualification rests with the Government and I think this can be easily done. There is another reason for this suggestion of mine and that is this. The arrangement of these constituencies is such that it is highly improbable that the Hindus or Sikhs will get a seat which the Government thinks may be captured by them. In each of the constituencies Muhammadans are in such a majority that they will influence the elections of any other constituency.

Chaudhri Zafrulla Khan : You do not want them joint ?

Kanwar Mamraj Singh Chohan : I do want that but I also want that the Muhammadan community which has got two secure seats may not be able to affect the election in another constituency from where it is expected that a member of another community will come.

Chaudhri Zafrulla Khan : Do you think that the lowering of the franchise will help that ?

Kanwar Mamraj Singh Chohan : I cannot say. The figures are not before me and it is for the Government to say that. Next is the question of distribution of seats for women. In the first instance I wish to point out that one thing I am very much against is the confinement of the women's seat to one constituency for ever. The Government in the present proposals has been pleased to allot one seat to Hindu ladies in the cantonment and municipal area of Lahore only. I wish to submit that in the fitness of things this seat should be made to rotate from one constituency to another. One election should be in the urban constituency and the next in the rural. I think the Government should have no objection to this as the Joint Parliamentary Committee also reported on page 71, paragraph 128 in these words—

As regards the women's seats, we are provisionally, subject to consideration of special local difficulties in favour of the reservation of seats in constituencies formed for the purpose and containing both men and women. We are inclined to think it desirable that those constituencies should be both urban and rural, and we should see no objection to their area being varied by rotation should this prove to be desirable and practicable.

So in the case of general seats we find that the women's seats have been confined to areas which are non-rural areas and this is open to objection. It is in a way depriving the rural womenhood from coming into the forefront and taking steps which their sisters in the cities are taking at present. Objection may be taken to this proposal, but I may point out that even to this day rural women have so many things to teach to urban sisters of theirs.

Next, I wish to take up the case of distribution of general seats in the Ambala division. The rural seats that have been allotted to us in the Punjab are at present 26 out of 34. The matter was fully discussed in a note to the Government by Rao Bahadur Chaudhri Chhotu Ram which is annexed at page 16 of the proceedings of the Provincial Franchise Committee Report. In this Chaudhri Sahib fully clears the point that the distribution of these seats to rural areas is not justified, but is against the interests of rural people. The rural seats should have been 28 or more. This question is rather important when we consider that the women's seat has been given to urban areas. The urban areas will no doubt capture so many other seats and fairplay requires that the number of seats allotted to rural areas should be increased. Then, comes the case of local distribution in the Ambala division. The Government has been pleased to say in another note on delimitation of seats at page 13 that the Ambala division will get 11 seats but when distributing them they distribute 10 seats and the one seat which is extra is given to the Hissar district. It seems Nawab Sahib does not agree to what I say so I may read the note—

As in the case of Muhammadans, if we distribute the 11 seats according to population it will be necessary to split up the districts of the division and separate tahsils from their districts and group them with other districts. This will, however, be open to serious objection. I would, therefore, give the extra seat to Hissar district with a population of 434,992.

Khan Bahadur Nawab Muzaffar Khan : On population basis Ambala division is entitled to 10 seats.

Kanwar Mamraj Singh Chohan : In spite of the interruption by Nawab Sahib, I think I am still right. I shall read this note in full—

The case of the Ambala division general population is similar to that of the Muham-madans of this division. Taking districts individually, the division will get 10 seats as below—

Hissar	....	..	..	..	..	2
Rohtak	..	..	..	..	..	3
Gurgaon	..	..	..	..	..	2
Karnal	..	..	..	..	..	2
Ambala and Simla	..	..	..	..	..	1

While taking as a whole it is entitled to 11 seats, its total rural population being 1,977,529.

The matter is clear, that is, the Ambala division taken as a whole should get 11 seats but, while distributing them individually among the districts the ten districts will get 10 seats and one extra seat is given to the Hissar district. I take exception to this. The Government should also remember the fact that the depressed classes in the Ambala division get 4 seats out of the 8 seats reserved for them and the Hissar district fortunately gets one seat. But in Ambala where there are 10,000 voters of the depressed classes and perhaps even more, all of them are given only one seat. Had this fact been taken into consideration, the case of the Ambala district would have been better than that of Hissar. Specific attention was drawn to this in the note of Rao Bahadur Chandhri Chhotu Ram to which I have just referred, but I do not know how it escaped the notice of Government.

Having given the general average of the seats allotted to the Hindus in the rural areas as one seat for 174,790 of the population, Government have given two seats to Hissar. Deducting double the figure given as average from the population of that district, the difference is only 85,412. They have given three seats to Rohtak and deducting thrice the figure taken as the average from the population of that district the difference is 6,443. Two seats have been given to Gurgaon district and deducting double the average from the population of that district the difference is 18,643. Now take the case of Karnal, Ambala and Simla together. Two seats have been given to these three districts and deducting twice the average from the total population of these districts, the difference is as much as 119,131. If we take this fact into consideration the extra seat which has been given to the Hissar district should in justice have been given to Ambala-cum-Karnal and Simla. In population Hissar district exceeds the Karnal district only by 2,000.

Government have said that they do not want to split the districts but I submit that this is not the only instance in which Government have been asked to split them. Government have themselves divided the districts and split even tahsils and thanas even in the case of Hindus, Muslims and Sikhs. Why should they refrain from grouping three districts in one unit and giving that group four seats? My argument is fortified by the fact that a part of Karnal district once formed part of Ambala. When the British came to the Punjab, the tahsil of Thanesar was part of Ambala and not a part of Karnal. It was named Pippili at that time. A portion of the Karnal district which once formed part of Ambala may for the purpose of election and no other purpose be taken as part of Ambala again, and Ambala, Simla and tahsil

[Kanwar Mamraj Singh Chohan.]

Thanesar may be given another seat. I wish to point out at this stage that the population of the rest of Karnal district if we exclude Thanesar, exceeds the average population taken as the basis multiplied by two. So it will not be doing injustice to anybody if Thanesar tahsil is separated from Karnal and attached to Ambala and Simla districts and the group given another seat.

The case of Ambala can be viewed sympathetically in another respect too. When we have found the average for a tahsil or part of a tahsil or a district or combination of tahsils, every district or even a tahsil which exceeds the average is entitled to a seat. Why not Ambala stand by itself as a tahsil, if nothing better can be done and why should Simla be combined with it to its disadvantage? If Government cannot combine Simla with any other area, then Ambala district is rightly entitled to some advantage.

My honourable friend wants me to say a few words about the depressed classes. I have read the note of Lala Mukand Lal Puri that some classes in my district have not been included among the depressed classes. One point is that owing to the *shuddhi* movement of the Arya Samajists, a person who is purified calls himself a *mahashaya* and no longer wants to call himself by the same name as his erstwhile brethren. Such persons have escaped the notice of Government and I hope Government will consider that aspect of the case and give them the same advantages which it has given to their brethren. Again the class of *kabirpanthis* have been excluded and they have a right to be included among the depressed classes. This is all that I want to say with regard to the Ambala district.

Dr. (Mrs.) M. C. Shave (Non-official, nominated): I am only concerned with the section of this Report that has to do with my people. I have a task to-day which is neither pleasant nor easy of accomplishment, but I should be untrue both to my people and to my ideals if I shirked it. The two seats held respectively by the honourable member who sits with the Unionist Party and myself have both been recorded as representing the European and Anglo-Indian communities in this Council, and this is why only one of us was chosen to be on the Franchise Committee. But we have done with appearances now and have come definitely to the parting of the ways. In the new Council under the reformed constitution the White Paper first, and now the Joint Committee's Report say that there will be a separate European seat and a separate Anglo-Indian seat. The Joint Committee's Report also gives a seat in the Assembly to a non-domiciled European from the Punjab but there is none for an Anglo-Indian from this Province. I have certain criticism to make of the paragraphs relating to European and Anglo-Indian electorates in the Punjab Franchise Report and to the note appended thereto. I should like to begin my argument by quoting from a leading article in an issue of the *Civil and Military Gazette*, for this introduces my subject more effectively than I could myself possibly. The *Civil and Military Gazette* although it emphasizes the definition of the Punjab Franchise Report which contains the words "*regardless of domicile*" calls the census figures "most fantastic," and it also says "any one of the slightest mixed blood now for election purposes must be regarded as an Anglo-Indian and

if the definition is adhered to, this will do much to swell the ranks of that community which in the past has been denied the support of many of its more opulent brethren, who have claimed to be strictly European. A stranger result of a well conducted census probably never has been recorded; for one has only to look around the Railway Colonies alone to realise that the Anglo-Indian population is far and away bigger than that of the European." It is to the words '*regardless of domicile*' that we object and the census figures that we protest are absolutely incorrect. These figures should be as the *Civil and Military Gazette* has suggested the other way round (not quite—for soldiers have been included on the European list) and for the words "*regardless of domicile*" we want substituted the words "*not domiciled in India.*"

Now let me explain the composition of the Anglo-Indian and domicile European community. Ordinarily in marriages between people of different nationalities the children take the nationality of the father (as the children of Indians do when they marry European women). But when the marriage is between a woman of the East and a man of the West the case is differently dealt with by the Gods of Western Society to-day. The children of such a marriage are repudiated by the race to which the man belongs and must be specifically labelled and the man himself is outcast. It was not always so, as history records, and the following extract from the writings of an Englishman will show:—

- (1) In early John Company days inter-marriage was encouraged and the children were accepted as British and the sons given covenanted employment both civil and military. In those days when they were treated as people of our stock they showed the best qualities of that stock and Anglo-Indian names shine memorably in the story of the British in India. I feel shame every time I stand in the Residency at Lucknow and look at the ruins of that advanced post (over against the heart of the bitter fighting, confronting the haunt of "Bob the Nailer") which fifty boys of La Martiniere held throughout the siege. No boys in the world's history ever did a more gallant job.
- (2) By a process of the most shameful neglect and active contempt it has been reduced to its weak and dependent condition and out of weakness spring bitterness and an aching wretchedness of mind. It might have been a bridge between the two races now so estranged; instead, it has become a source of exasperation to both. In old days it rendered very great service to the British Raj; and many honoured names in our Indian history show what vigour of will and intellect Eurasians have possessed. Nor was its gift to the Indian community less in such personalities as Derozio's. Yet to-day the Eurasian community is regarded by Indians with a hatred which is rarely felt by them for the British; and with the British they carry in the stigma of 'native blood,' a disability as cruel and unjust as it is crushing.....their loyalty.....why should they give us such loyalty when we have treated them as we have?.....is beyond any loyalty that we get from the free races of our worldwide Commonwealth. As recently as the Great War they gave abundant proof that they can take their place with "the steadfast among spears" as resolutely as any Britisher of us all.

And so the years brought changes and among other things the advent of European women in larger numbers than ever before and a taboo was put upon my people and the term Eurasian came to be applied in contempt and derision. The taboo has been succinctly expressed by an English woman writer:—

Their very existence is an iniquity and we will not have the impropriety flaunted before our eyes. We will subscribe to hospitals where their women may lie and orphanages where their children may be brought up; but they must acquiesce in exclusion and work out their own salvation.

[Dr. (Mrs.) M. C. Shave.]

Thus a people grew up under this terrible shadow. They married mostly amongst themselves but as their women often possessed both charm and beauty Europeans many times married into this community and many Eurasian men sought and found European women willing to marry them. The blood of this community was therefore re-inforced again and again with European blood. Economic considerations kept certain European families in India, but by remaining here they also lost caste and came to share in a slightly lesser degree in the taboo—the country born. These people were educated in our schools shared our lives and occupations and our very homes. This was the true domiciled community. Into this community have gone over and over again—men by identification and women by marriage and *vice versa*—the “fair Anglo-Indians” who were not rich enough to get themselves and their children out of this country, driven by the ever present fear of the taboo till the domiciled European community became so intimately connected with the Anglo-Indian community that it is practically one community. So powerful was the fear of the taboo that when we pinched and scrapped and sent our sons to England for education, they often cut their parents and their brothers and sisters on their return to India, or only communicated with them by stealth.

In both church and state were men without vision or negligent of their duty, who have their own share of responsibility for our present plight; for our education has been entirely in the hands of the churches and our fortunes in the care of the state. Economic considerations, I have been definitely given to understand, necessitated and excused desertion and it cannot be prevented from going on. I did not think at the time of reminding these strange Christians (I am not always ready-witted) that it was Judas who sold their Lord for thirty pieces of silver, but I have thought of it since and to-day I must speak out or for ever hold my peace.

On the other hand there was growing up in India an Indian Christian community as the result of the work of European missionaries. These converts were sometime given and sometime assumed European names, and their position was at one time improved by merging into the Anglo-Indian community. When the Reforms came in, the better class Indian Christians were the first to realise that in the New India it would be safer to be an Indian than an Anglo-Indian and for once the easy way was the right way, so the dresses and topies disappeared and the *sarees* and turbans came back. But through generations a small section of these people had become so thoroughly imbued with our traditions and ideals and had so completely lost sight of their origin that their descendants to-day really believe they are Anglo-Indians. We have been told to drive out these people, but, can we, who have suffered for our colour, inflict suffering in our turn on others? It was into this section that British soldiers of ‘before the War’ days went for feminine companionship, and here they many times found their wives. And that kind of thing happens still. And last but not least there is a problem of victims of the Mendelian Law.

The taboo as the quotation I have given you implies imposed heavy social penalties to which civil and military disabilities were added; so, inevitably corruption and degeneration set in. Some Eurasians found that they could buy their way out of the shadow and improve their social position

thereby, for, the preservation of racial integrity becomes a secondary matter beside economic considerations with a certain section of the European world. So, we lost constantly at the top all our prosperous and well-educated—the class that in every community forms that community's voice, fights its battles and sets its standards.

A few voices have always been raised against this conduct, voices that could only prove unavailing against the powerful influences of the past. These voices are stronger to-day and so we ask that in this definition the words "*not domiciled in India*" be substituted for the words "*regardless of domicile*" and the Domiciled European remain with us. It is for time we ask—time to teach our people the ignominy of compromise, time to teach them acceptance of their lot—time to teach the true domiciled European that while he can keep all his love for the 'old country' (which he may never have seen, and which we love as well as he) intact, he can and ought to be loyal to the land of his birth—time to show them all that while any remain under the shadow of the taboo none may in honour escape. Emerson says "there is no escape in all the worlds of God but performance—you must do your work before you shall be released"—and our work is to prove once and for all the utter falsity of that cruel libel—"the vices of both races and the virtues of neither." It is not 'perpetuating a mistake' but working out an expiation so that the eyes of mankind be opened and they see that the half-breed and the half-caste all the world over must not be treated as something less than man and deliberately stunted and deformed by ill-treatment, but allowed to grow to full stature and to justify his existence. TIME! O. TIME! to open the eyes of our people! To prove to them that life will be enriched in all the things that matter if they will only be loyal and true. And given time we shall succeed and shall build up a community which will be an asset to India and to Britain.

I was talking to a child sometime ago—a child who has always disliked the term Anglo-Indian and declared that she would never be one when she grew up. I told her that in the Southern States of North America white men had sometimes married Negroes and some of the descendants of these people who looked like white men of pure descent escaped into the American nation. But when Negroes were massacred and lynched and burned alive some of these white men with Negro blood came back to fight for their people. "Didn't they all come back?" She queried. "No!" I said, "some were afraid." "The cowards!" she flashed out, and then for the first time she saw her own way clear and for the moment she quailed and put her head on my shoulder, but she will grow and learn, and if an ordeal comes to her she will not flinch. The European community (non-domiciled) must give their British sense of justice full play and then they will see that they must not take any of our people on to their rolls. If they persist in their determination to exploit the census figures and profit by our weakness a nemesis will follow their actions as certainly as night follows day. They know their definition has not in the past been applied by them with any real fairness (I am referring to pure descent on both sides). They know that they cannot really appreciate our difficulties or represent our point of view in the Councils or on the education boards; but strong in the thought that might is right they have been trying to do away with direct representation on the Council in this province for us, and have prepared

[Dr. (Mrs.) M. C. Shave.]

to throw their weight on the education boards on the side of those who would still keep us in thrall. But we have a final court of appeal in Britain if her sons here turn to us a deaf ear.

And now because I have been charged with opportunism, with so much said, there is one final statement to make and that is, that though we shall be one of the peoples of India, we must remain a separate people for a long time to come. An Indian gentleman once said to me, "Why don't you drop the 'Anglo'—it has brought you nothing but pain. I am of Arab stock but I do not call myself an 'Arabo-Indian.'" This is my answer. We have no illusions about the path we have to tread. If the past has been full of pain, our troubles have already increased and the future is rich with potentialities for suffering. We must, however, remain a separate people for a long time to come. Our culture is different and we have certain ideals which may come into conflict with those of New India. Ireland furnishes a parallel. For these we will fight and if need be die. For, if the warm blood of tropical climes makes our pulses beat a little faster, our emotions a little more difficult to control, in our nerves is more than a little of the steel of those Northern natures. Not "a disastrous waffly mixture" (as, above all, a book on religion for children described racial mixture the other day) but a combination that can raise man to heights of courage and sacrifice unknown to more uniformed people! We do not ask to be put to this supreme test but if it come and there be any real meaning in life, on that day we shall not be found wanting. I can only hope that "whatever Gods may be" will guard and guide all the peoples of this sub-continent which is our home till that far, far distant day dawns when all the races of the earth shall be one nation.

There is no seat in the Assembly for a Punjab Anglo-Indian but there is one for a non-domiciled European according to the Joint Committee's Report. We almost lost our seat in this Council when the Lothian Committee came. You must guard our seat and try to secure for us one in the Assembly. For there must not be "only Europeans and Indians in this Province." You need the Anglo-Indian still, his time for usefulness is not past. "And the stone that the builders rejected" shall be not "the chief stone of the corner"—but, ground in the mills of Destiny, the cement that shall bind the nations together.

Chaudhri Zafrulla Khan (Sialkot, Muhammadan, Rural): Sir, I am sure all of us are very grateful to our colleagues, Khan Bahadur Nawab Muzaffar Khan, and the members of the Provincial Franchise Committee for all the care and labour that they have bestowed upon the task that was entrusted to them, the result of which is under discussion to-day by this House. I shall not detain the House very long for the one matter that I desire to raise in connection with this Report. But the matter is an important one and I think I am justified in taking up a few minutes of the time of the House to draw attention to it.

I wish to draw attention to the number of seats allotted to Sialkot rural Muslim constituency. The number proposed originally in the Report was 3. This was said to be raised by the Franchise Committee to 4. In paragraph 13 on page 5, the Franchise Committee in their Report say—

The Committee was unanimously of opinion that Amritsar was not entitled to three rural seats as proposed either on the basis of population or of voting strength

rough figures of which were supplied to the Committee, and that this seat should go to Sialkot. That would give one seat to each tabell of the Sialkot district.

Now the population figures are as follows :—

Sialkot Muslim population	529,598
Amritsar Muslim population	382,984

The original proposal was to give 3 seats to Sialkot and 3 to Amritsar, thus placing them on the same level and as I have just said the Committee proposed that Amritsar should have 2 and Sialkot should have 4. I shall readily admit that either division would cause a certain amount of injustice either to one district or to the other. Amritsar on the population figures deserves a little more than 2, but not quite 3. Sialkot deserves a little more than 3 but not quite 4. That being the case my submission is that other factors in the situation may be looked at in order to determine which of these two districts should have the odd seat.

Now the Report of the Franchise Committee took into consideration not only the population figures but also the voting strength and gave that as the main reason for differing from the original Government proposals. Finally the decision of the Government like most of the Government decisions is ruthless, direct and without any kind of argument. It merely says—

2 P. M.

It is decided to adhere to the previous decision of Government to allot three seats to Amritsar district rural and three seats to Dera Ghazi Khan district rural instead of two seats to each of these districts as proposed by the committee.

My submission is that Government, I am afraid as appears from their Report, have failed to pay any attention whatsoever to another important factor involved in the case. That factor is this: Under no circumstances would one have thought that population alone would be the factor which would determine decision in such matters. The real factor of the situation is the number of voters under the present system as well as the numbers that are likely to be on the registers under the new franchise proposals. Looked at from this point of view the case for the odd seat going to Sialkot is very much stronger than it is on the population basis. I understand that the strength of Muslim voters in the Sialkot district under the present system and conditions of franchise is 9,145 and that in Amritsar is 4,727, so that the number of voters in the Sialkot district at present is almost double the number of voters in Amritsar. But the disparity is likely to be still greater under the new conditions. It is expected that in the Amritsar district Muslim voters under the new franchise conditions will be just over 20,000, the estimate is 20,574, but in the Sialkot district they are estimated to be 46,198, considerably more than double the number of voters in Amritsar. On these figures I should have thought that it would have struck even a very busy executive Government that the case was very strong for allotting the extra seat to Sialkot rather than to Amritsar. I have no grievance against Amritsar and it is not a question of between Sialkot and Amritsar for any political or geographical reasons, but it just happens that Amritsar is the district which will get considerably more than its share even on the population basis and an unjustifiable excess on the voting strength basis if things are allowed to stand as they are proposed in the final decision of

[Chaudhri Zafrulla Khan.]

Government. I therefore venture to draw the attention of the Government to this great disparity and I hope that before the proposals are put in a final shape for the commission which is finally to deal with these matters Government will be pleased to revise their report in this particular respect.

Chaudhri Ram Sarup (North-West Rohtak, non-Muhammadian Rural) (*Urdu*): Sir, leaving special constituencies apart, the Hindus have been given 27 rural and 9 urban seats. If this allotment had been made on the population basis the urban Hindus with a population of 914,000 would have got only 5·7 seats whereas full 29 seats would have gone to rural Hindus with a population of no less than 45 lakhs. As the population of the rural Hindus is five times the population of the urban Hindus they ought to have been allotted 45 seats if population was the only basis for the allotment of seats. But I have not been able to understand how the Government arrived at the strange figure of 27 in the case of rural Hindus. They have done injustice to urban Hindus which they should take the earliest steps to remedy. The honourable lady member of this House, Shrimati Lekhwati Jain, is always heard loudly complaining that the Hindu zamindars, and in particular Rao Bahadur Chaudhri Chhotu Ram, are unusually anxious for their own rights. But this is how the wishes of the zamindar Hindus are fulfilled. She has excelled veteran Hindu members in opposing the demands of Hindu zamindars and criticising them in season and out of season. Now they have cheated even her by taking the women's seats for themselves. Further I find from the study of the Franchise Committee Report that the Mussalmans as well as the Sikhs have been given one seat for every tahsil. But nowhere has this right been conceded to Hindus. This could have been done with much show of reason for at least one district, that is, the district of Rohtak. Although the Franchise Committee made a unanimous recommendation that three instead of four seats should be given to the Rohtak district, their recommendation does not seem to have found favour with the Government. I hope Chaudhri Chhotu Ram will press this matter on the attention of the Government. He should make it clear to the Government that they have shown undue favour to urban Hindus by allotting 9 seats to them whereas they deserved to get only 6. He should assimilate the tactics of the urban Hindus who move slowly and stealthily, without making much noise. I think he will succeed that way. The grievances of the rural Hindus are great and many but they have always escaped the notice of the Government. We have no sympathies of our countrymen too. The Mussalmans think we are Hindus. The Hindus consider us zamindars. (*Laughter*).

Mr. Mukand Lal Puri: But what are you actually?

Chaudhri Ram Sarup: We are everything. But in the eyes of the honourable member we are nothing. But the time is coming when the eyes of honourable members will open and they will know better. I shall again point out to the Government the anomaly of giving away 9 seats to a community which deserves only 5·7 and ignoring the rights of rural Hindus by giving them 27 seats while they deserve 29. I have not been able to understand how the Government have arrived at this decision.

Mian Nurullah (Jyallpur South, Muhammadian, Rural): The document before us to-day is a very important one because the constituencies

framed under this report are going to last for a number of years. It is, therefore, the duty of every one of us to study it minutely, but always impartially. Several great questions arise out of this Report. But the one question that strikes me is, as pointed out by my honourable friend, Chaudhri Zafrulla Khan, whether the constituencies should have been formed on the population basis or on the voting strength. It looks as if the population basis has been given preference. I do not find the voting strength figures given in the columns along with the population figures. Personally I think the population basis should not be taken as the basis for forming constituencies, but the voting strength should be the basis on which these constituencies should be formed. My reason is very simple. Adult franchise is likely to come after a number of years. Even then we would not be nearer the population. I might ask from the Honourable Member in charge what percentage adult franchise is going to form as compared with population. Supposing it is 30 per cent. Then, when we adopt adult franchise the total number of voters will form 30 out of 100 of the population? (*Interruption*). Chaudhri Zafrulla Khan corrects me and says it is 25 per cent. to be very exact. According to this Franchise Committee's Report and the franchise that is being given to us we are likely to enfranchise between 10 to 14 per cent. of the population. This is much nearer to 25 per cent. than the population. (*Interruption*). Even that does not take away the force of my argument. Supposing it is 45 including women, even then 14 per cent. is nearer to 45 than 45 is to 100. So, we will never reach the population. Therefore, the basis that should be adopted, even taking it for granted that adult franchise will be introduced after a few years, should be the voting strength. If that basis is adopted, then, certainly Western Punjab will get something more than the Eastern Punjab and the division of Multan is likely to get about 30 seats instead of 23 seats now given. On the same basis, coming to my own district of Lyallpur which pays about one-fifth of the total revenues of the province, there the voting strength is much more proportionately than the population. Compare, for instance, the figures for the Legislative Assembly. The voting strength for the Legislative Assembly in the Lyallpur district is 8,150 as compared with the total number of 12,100 for the four districts of Sialkot, Gujranwala, Sheikhupura and Lyallpur which form the whole constituency. That means that Lyallpur has got two-thirds of voters of the whole constituency. In the Council the case is going to be different. Taking the voting strength of Lyallpur as it is likely to be under the new franchise, I can easily say that we deserve more than one-third of the number of seats that are allotted for these four districts. But we are getting much less than our due share. Therefore, I urge that voting strength should be taken as the basis. If that cannot be done, then the mean between the voting strength and the total population should at least be the basis.

I next come to the distribution of seats according to tahsils. Where the number of seats in a district is the same as the number of tahsils no difficulty arises; but where the number of tahsils is not the same as the number of seats difficulty does arise. Probably the matter was referred to deputy commissioners and others as to how to divide the district into that number of constituencies. Previously in the district of Jhang we had three tahsils and three constituencies, one for each tahsil. But now we find in the further list that the disparity of population has been removed and the

[Mian Narullah.]

tahsils have been broken. I wonder if the local people of that district were consulted. But certainly it is true that we cannot have the best of both. We cannot stick to tahsils and also have the population percentage equal. But what I want to lay before the House is that if in one district this differential treatment has been given, why not carry it to others? I may point out that Toba Tek Singh has got a population of 197,000 while Jaranwala is said to possess according to this Report a population of 147,000. I challenge the correctness of the figure 197,000 for Toba Tek Singh. I am positive that it has got a population of at least 206,000. *(Interruption)*. I shall refer only to Muslim seats and not others. I leave it to others to take up the case of other interests. I find that in Toba Tek Singh which has been created a sub-division a large area has been brought from three districts. One is from Montgomery. This was brought in before the last census. Later an area consisting of about 41 villages was taken from the Multan district and attached to Toba Tek Singh. This was after the last census report. This has greatly added to the population of Toba Tek Singh. Considering the fact that franchise is being given to tenants of six acres, we will have at least 10,000 voters among the tenant population alone. The total population of Toba Tek Singh is likely to reach 240,000. Thus the disparity between Toba Tek Singh and Jaranwala will become very great, Jaranwala having a population of 147,000 and Toba Tek Singh, a population of 240,000. Two more villages were added from Jhang with an area of 7,000 acres. The old rakh of Pirmahal in Toba Tahsil is being rapidly colonised. Considering all these facts Toba should get not one but two seats.

In any case the disparity in population can be easily removed, I can suggest many permutations and combinations, but the fairest would be that part of Thana Bablak in the Samundri Tahsil should go with Jaranwala and instead Thana Kamalia with 15,000 souls and a new area from Multan with about 12,000 souls should be taken off from Toba and added to Samundri. Toba may be left with one seat with its growing population in Pirmahal area (a new grain market place) and the chaks from Jhang. The areas are contiguous and will result as follows :—

Toba	..	..	..	..	198,000
Samundri	..	..	..	..	182,000
Jaranwala	..	..	..	..	175,000
Lyallpur	..	..	..	..	170,000

If correct it would be a fair distribution. This will be all right to some extent if we were to stick to population. But I think that if voting strength is considered Lyallpur should get another two seats at least. I am astonished to find that in the future lists of constituencies given to us not only tahsils have been split to police station areas but a further sub-division is made. In certain cases I find that even zails have been excluded or included. I find this in four or five cases.

I now come to women constituencies. I find that these are special constituencies. Therefore, I would request that in the new Act women should have a right of standing from any constituency they like. If possible, I would suggest, that all the District headquarter towns of the province

should be allowed to take part in it. That will remove the objection put forward by the honourable member who moved this motion, Kanwat Mamraj Singh Chohan, because otherwise it is only a few districts that will get the benefit. So let all the districts have some say in it. It can be based on the basis of landholders constituencies if you like. Then I find that the municipalities of Bagbanpura and Bhogiwal in men's side have been added to the urban areas, while on the women's side they have been excluded. I request that they may be brought into the Lahore area.

Another point I would like to mention is the landholders' constituencies. There are 3,741 voters and the Franchise Committee Report makes an attempt to give one seat according to the Act to the general, one to the Sikhs and 2 to the Muslims. I find that no clear majority is given to the first two. If two groups combine they can defeat the third. That should not be so. If an open attempt is made then with a little change in the number of votes the object can be achieved. If you like I can place my amendment on the table, so that the constituencies are divided into groups and the seats of the Muslims go to the Muslims, the Sikhs to the Sikhs and the Hindus to the Hindus giving each of them a clear majority over all others combined. The difference in one case between Muslims and Sikhs is only 25 and when the voters' lists are actually prepared the difference might dwindle down to nothing or just the reverse. Next the reference made by Chaudhri Zafrulla Khan is very striking. In one case there are 529,000 and in the other 382,000 souls and one seat more is allotted to Amritsar rather than to Sialkot. On the basis of voting strength Sialkot deserves that seat and if I can carry the analogy further and compare Amritsar with Lyallpur with an addition of 316,000 voters, only one extra seat is given. That is still more unfair to Lyallpur. To put it more clearly the population of Amritsar is 382,000 and that of Lyallpur 698,000. The difference is 314,000, but there is a difference of only one extra seat. That also strengthens my previous argument.

Another thing I want to point out—I may be wrong and would like to be corrected—is that while counting the number of constituencies in Statement E on page VI of the Franchise Committee's Report, I find that Hoshiarpur has two for a population of 309,000. Number 8 is given, then one seat is missing and No. 9 is given to Jullundur. We have got 75 rural constituencies and 9 urban. But one constituency has not been given a number. (*Khan Bahadur Nawab Muzaffar Khan*: Kangra and Hoshiarpur together come under No. 7). My last point is that all this requires a reconsideration on the basis of electoral strength and on the basis of population. The new Government of India Bill is not going to be passed before the next winter. I, therefore, request the Honourable Member in charge to reconsider the whole matter on the basis of voting strength.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Non-official, nominated) (*Urdu*): Sir, I had thought that in discussing the Report of the Provincial Franchise Committee honourable members would restrict their remarks only to matters of principle and would leave the details to be worked out by the Reforms Department, but some of my honourable friends have considered it fit to interfere in matters of internal distribution of seats within a district which could have been more usefully dealt with by more competent and impartial agency, the Reforms Department of the Punjab Government. I, on my part, would try to confine my remarks only to matters

[K. B. Mian Mushtaq Ahmad Gurmani.]

of principle. The question of delimiting the constituencies within a district can be decided more efficiently by the provincial Government in consultation with local district authorities. I am laying emphasis on this point because it is possible that in view of our individual interests we may not be able to give due consideration to the conflicting interests and it might be said that we have tried to take advantage of our position and that our proposals are not impartial and are apt to effect adversely the interests of others.

My friend from Lyallpur has taken objection to the delimitation of constituencies in his district on tahsil basis. He has said that as the numerical strength of population in each tahsil of his district varies it would be better to take away a portion from one tahsil and add it to the other to remove the disparity in the numerical strength of the population. I would like to point out in this respect that if this principle is adhered to it will entail a great hardship to the population of that area which will be added to the other tahsil because they will remain in a hopeless minority and it will not be possible for a resident of that area to be elected as against one who belongs to the other tahsil which will have an overwhelming majority. It will, moreover, be more convenient to have tahsils as a unit, because it is a better administrative and geographical division.

Mian Nurullah : Why is it then that some police stations and even zails have been taken away from one tahsil and added to another in certain cases ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : As far as I can understand, it is done only in certain special cases where sectional and clanish interests of the people of a particular area were more identical to the population of the other tahsil than that of their own. For instance, there is a police station in one tahsil in which there is preponderance of Arain population and it happens to be situated in a tahsil which has very little or no Arain population in its other portions, and there is more population of their clan in the neighbouring tahsil. In such a case it would be advantageous to include that area to the other tahsil where there is more population of similar clan and they have more in common with each other. In such special cases it may be useful to make these changes but not as a general rule.

It has been suggested that the constituencies should be delimited on the basis of voting strength rather than on the basis of population. I am opposed to this principle for various reasons. Our ultimate goal is adult franchise and this is a first step towards that goal. All the political parties are unanimous in the view that we should introduce adult franchise as soon as we can overcome administrative difficulties in that connection and if we adhere to that principle it is only right that we should form our constituencies on population basis so that when it is possible to introduce adult franchise we may not have to start with the formation of constituencies again. Moreover, the member who represents a constituency has not only to look after the interests of the voters but he is expected to protect the interests of the entire population of that area and he has, therefore, to keep himself in touch with the general population of the constituency. On this consideration also, it is desirable that the constituencies should be

delimited on population basis. Apart from that there are practical difficulties at present in forming constituencies on the basis of voting strength, because the existing voters' lists cannot be taken as a correct basis for calculating qualifications. The existing franchise materially differs from that which has been proposed in the White Paper Scheme and the Joint Parliamentary Select Committee Report. Under the existing system persons enjoying property qualifications are only enfranchised but under the new proposals the right of vote will be extended to tenants, haisiyat tax-payers, and persons with educational qualifications of the primary standard. It would, therefore, be impossible to estimate correctly the number of future voters unless statistics are gathered. It cannot be denied that collection of this material will entail enormous labour and expense and unless Parliament definitely approves of the franchise proposals it will be futile to proceed in this matter. Under these circumstances there could have been no other basis to work upon except population basis. I might also point out that there will be very little difference, if at all, between the voting and the population strength of the district. At present the colony districts have larger voting strength than the other districts, but by the enfranchisement of tenants this disparity will almost disappear. The reason of there being more voters in colony districts is that there is a large majority of peasant proprietors there, and an owner of six acres of land generally pays sufficient amount of land revenue to enable him to become a voter. The number of voters is less in non-colony districts because there the number of peasant proprietors is comparatively less and the big landholders are in a majority. By the enfranchisement of tenants there will be great increase in the number of voters in the non-colony districts while there will be practically no increase in the voting strength in colony districts where the peasant proprietor already enjoys the right of vote. Before I resume my seat I feel myself called upon to express my appreciation of the work so creditably done by the members of our Provincial Franchise Committee. I hope I am voicing the feelings of the House when I say that the high sense of responsibility with which they have performed their duties deserve our sincere gratitude. I wish to pay a special tribute to Khan Bahadur Nawab Muzaffar Khan, Reforms Commissioner, for his untiring labour, high standard of efficiency and speed and great sense of duty. It was due to his tact, honesty and strict impartiality that almost all the conflicting interests have been satisfied by his proposals and his scheme has earned universal approval and admiration. I sincerely congratulate him on the successful termination of his great and important task. It is a great pity that he is retiring shortly. Our regrets are increased when we find that he is leaving the department at a time when his services are most needed. I, however, hope that he will not desert us and that he will long be associated with us and with this Council, and that we shall continue to derive more benefits by his ripe experience and statesmanship.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural): I just want to say a few words about this Report. Classification of constituencies has been made on the basis of population and this in spite of the fact that adult franchise has been actually denied. There is no prospect of adult franchise being accorded in the near future. Basing of election on population strength is absolutely wrong and it will never stand

[Chaudhri Allah Dad Khan.]

the test when actual figures of voting strength are obtained. In the new constitution we shall have a voting strength of rural areas based on Rs. 5, as the maximum amount of land revenue and if a list is carefully made, then the wide difference, the very wide difference in the voting strength of each city and village in the districts will be obvious. Therefore this list to all intents and purposes is not at all one which will stand when the actual figures are obtained and it is good that the members are now pointing out its defects. These defects pointed out by members and their remarks will remain on record and judgment will be based on these. It is a mistake to suppose that these constituencies are final arrangement and it seems to me that some of the members are discussing the Report on that assumption. But that assumption is totally wrong. Taking the actual facts, I take strong exception to one thing in this Report. The qualification for describing a constituency rural or urban is bad. Previously there used to be a limit of ten thousand souls for dubbing a constituency as urban and now it has been reduced to 7,500 and the result is very ridiculous. I will point out to you just from my own division a few strange things. According to this qualification Shahabad which is a village for all intents and purposes and for all practical purposes, has been included in the urban areas. If you go to Shahabad, you will find that it is a village but if you look at the franchise report you will find that it is a town. This reminds me of the artist who could not distinguish between a picture of a house or a man. Similarly, if you look at this constituency list you will be compelled to think as I do. Again I can point out a village in the Ferozepore district called Nathana which has a population of 20,000 souls but it is still a village. I believe it is the largest village in the world. Will you class it as a village or a town? This classification is therefore absolutely wrong and the results are that Shahabad, Sadhaura and Kharar which are at present rural areas will in future be towns. Instead of making any advance towards the real character which they possess, they have lost all hopes of having their own representatives in the Council or the Assembly of the future. If you link up Shahabad with the town of Ambala, do you think that any man will ever be returned from Shahabad in the face of all the overwhelming voters in the town of Ambala? The result will be that Shahabad will get no real representative in the Council. For these purposes this point requires very careful consideration. All those villages which were included in rural areas before are not ambitious of becoming towns and losing all hopes of representation by their own men. Similarly in the Sialkot district the two Daskas have been included in Sialkot. Do you expect that any man from these Daskas has a chance of being returned to the Councils in the face of the large number of voters from Sialkot? These people will be left nowhere. This point has been evidently overlooked by the Franchise Committee. Instead of reducing the number they should have increased the population strength for including a village in urban areas. On the other hand they have reduced it and the result is what I have explained. I trust Nawab Sahib who is here will note this point and will not leave these people to their fate. They will otherwise have to say—

عطائے تو بہ لقا ئے تو بخشیدم

If the franchise is extended these people should not be deprived of the chance of having their representatives in the Council and Assembly. Similarly my friend touched that point by mentioning Baghbanpur and Bhogiwal which have been linked up. Do you expect that any man from Baghbanpura can come to the Council? Why should you link these towns together? They are villages separate from each other and each village should be considered on its own merits. This is for the purpose of returning members to the Council and not for any municipal purpose. The link is there for the levy of octroi or things of that type, but not for the purpose of having representatives in the Council. Similarly the two Daskas should not be linked up. This remark applies to other places also which have been unfortunate in the matter of being linked up together. Then there is another thing. Ambala, if you look up at the constituencies, will have two seats. But Ludhiana has been linked up with it. Now if these constituencies are only provisional and based on the approximate strength of voting or population, then, why should you not give representatives to the urban town of Ambala? You will still find that it has been linked up with Ludhiana. It appears to me that the effect will be that only men from Ludhiana will be returned and Ambala division will be in the unhappy position of having no representative from urban areas. Ludhiana has an overwhelming number of voters, but if these few towns from the Ambala district are taken away from that district the effect will naturally be that they will have no representatives. I agree that that is not the intention but that will be the effect of this arrangement. I therefore urge that Ambala Division should be allowed two seats. (*Khan Bahadur Nawab Muzaffar Khan*: What is the population of Ambala division?) I say the population basis is absolutely rubbish. There ought to be due consideration given to the voting strength and I am not for the population basis at all. Is it not going over the head of the Franchise Committee over which that renowned Lord, Lord Lothian, presided, to construct the constituencies on the population basis as if we were all given adult franchise?

In my opinion this is not the time to delimit constituencies. It would not take much time to delimit them once the constitution is settled. It is not a difficult matter and it could be arranged within two months' time after the Reform Act is passed. No purpose is served by creating constituencies beforehand. If at all anything is done at this stage it should be only the general principles that should be framed and the actual figures should be worked out later. To work out the figures and to form the constituencies now is a mistake. It has led to several interpretations being put upon the step taken in enumerating and delimiting the constituencies.

In the Gujrat district even the population basis has not been maintained. There are circles in which the population is very meagre and yet they have been given one representative. Take for instance circle No. 2, the police station areas of Karianwala and Lalamusa. It has a very small population in comparison with the first, third, fourth and fifth circles. Yet it is given one member. Why is this? I ask. Will the Nawab Sahib kindly explain this? This I say is a discrimination unduly made. Why not Bahuwal and Sabawal which are congruous to this circle be left in the second circle and why should they be joined to the third circle? Why should thereby

[Chaudhri Allah Dad Khan.]

the other circles be made unduly large? The only conceivable justification for this step is that these zails are not individually big enough and that they have to be linked up to be given a representative. But these should have been given to the police stations of Karianwala and Lalamusa Circle. Even if zails have to be split up there is no harm in doing so. This has been already done, for instance, Mohuwal has been taken from the fourth circle, Pindi Bahauddin has been taken from the sixth circle. Why not these two police stations be tacked to the second circle which has a smaller population? Similarly there are a number of inconsistent facts in the Report which if I had the time I would go into in detail. But I think I have indicated the main defects of the Report and for the time being it should be made clear that constituencies are not laid out finally. Government should say: We have simply marked out principles according to which constituencies should be framed and when the actual figures are available, we would frame the actual constituencies. The only objection to my mind for such a step would be that when the Government of India Act is passed and the rules are framed thereunder it will take a long time to frame the constituencies. I may remind my honourable friend, the Nawab Sahib, that it would take not more than two months to complete the list of constituencies and to define them, and two months is not a long period. There is at present a fear in the minds of the people—it may not be a fact and I myself do not see the justification for the fear—that the constituencies are being defined now beforehand for a sinister purpose, of making it easy for some big men to return to the legislature. Why should Government raise this unnecessary suspicion in the mind of the people? When the time comes the constituencies may be delimited. The patwaris and the tahsildars are there and they will give you complete lists within a week if they like. I know a tahsildar made the list for a district board based on a five rupee qualification within three or four days. He called all the patwaris together with a jamabandi and each patwari was called upon to give the list of voters and he made it within a few hours. I say from actual experience that the preparation of the list will not take a long time as long as you have the patwaris. Only keep them content and give them a little allowance and they would save you all delay and this will save all unjust and unkind remarks from the people at large. With these words I bring my remarks to a close.

Mr. E. Mayadas (Nominated, non-official): I also offer my meed of praise to the framers of the Franchise Committee Report for the trouble they have taken in preparing it. It would have been a far pleasanter task to discuss a motion about joint electorates without reservation of seats, but we have to take things as they are and therefore I will say just a few words on behalf of the community which I represent here.

The total population of Christians is given as about 414,788 of which the Europeans and Anglo-Indians are shown as 22,644. The Indian Christians represent the difference between these two figures, i.e., about 392,144. In this province the Indian Christians are concentrated in the Lahore division and in two districts of the Multan division, that is Lyallpur and Montgomery. In the Lahore division the number according to the list given here is, in Lahore, 51,003, in Gujranwala, 49,297, in Sheikhupura, 49,211, in Gurdaspur,

43,014, and in Amritsar, 16,408, making a total of 273,049 in the whole division. Of the two districts in the Multan division, Lyallpur has 45,448 and Montgomery 17,099 which make a total of 62,547. Adding the figures of the Lahore division with those of the two districts, we get a total of 335,596 which represents almost 90 per cent. of the total population of Indian Christians in the province.

The Christians have been allotted two seats. One possible solution was to give one representative to the urban area and another to the rural area. In the case of the urban area the same towns could have been selected as in the case of the other communities, that is towns with a population of 7,500 and upwards. If that had been done the urban areas would have covered a population of 42,000 and the rural areas a population of 309,000, making up a total of 351,000. While certainly a very large proportion of the total population would thus have been included in the special constituencies the size of the two constituencies would have been very unequal one being almost seven times the size of the other. Therefore, Government have very wisely not followed this idea. Government then selected eight districts for the formation of two special constituencies, one constituency to be composed of Lahore, Amritsar, Gurdaspur, and Sialkot with a total population of 174,541 and the other constituency of Gujranwala, Sheikhupura, Lyallpur and Montgomery with a total population of 161,005. Putting the two together the total population comes to 335,546. (*Khan Bahadur Nawab Muzaffar Khan*: We have added Multan and Shahpur.) They were taken in later on. I am referring to what was done at the first time. This proposal was certainly much better than the one about urban and rural constituencies. Indian Christians would like to have it made perfectly clear that those who are not included in these special constituencies can stand for election in the general constituencies with non-Muslims or in the special constituencies with Indian Christians. In this connection I will read an extract from paragraph 4 of the note on delimitation of constituencies:—

No restrictions need be placed on candidates standing in these special constituencies. As in the case of the present general constituencies Indian Christians living outside these areas should be eligible to become candidates in these constituencies.

The words "in these constituencies" are not quite clear and I would beg Government to be good enough to make them clear. Do these words mean, the special constituencies or the general constituencies or both? We request that Christians living outside the special constituencies be permitted to stand for the special constituencies as Christian candidates or in the general constituencies.

After this, Government was pleased to add Shahpur and Multan to the special constituencies. It appears that some members of the Franchise Committee pointed out that the inclusion of Christians with the non-Muslims and their voting with non-Muslims disturbed the elections of their non-Muslim candidates and that they would rather, that as few Christians as possible voted with the non-Muslims. To this we have no objection. If our brethren want us that we may vote separately we are quite willing to do so. But on passing I feel constrained to remark that whereas so many of my countrymen have so often said that

[Mr. E. Mayadas.]

they liked the idea of general electorates, here when a small opportunity is offered of partaking in a kind of general electorate, they raise objection about it. Their proposal was that towns with as low a population as 3,000 should be included in the special constituencies. If that had been done then altogether seventeen districts would have had to be put into these selected constituencies. But Government has not adopted this proposal. They have however added two more districts only to the eight already selected, that is Shahpur with a population of 11,244 and Multan with a population of 8,939. Thus the proposal of Government now for the Indian Christians is that there will be two constituencies, one consisting of Christians living in the districts of Sialkot, Lahore, Gurdaspur and Amritsar with a population of 174,541 and the other constituency consisting of Gujranwala, Sheikhupura, Lyallpur, Montgomery, Shahpur and Multan, with a population of 181,238. This is as good an arrangement as regards area and population as could in the circumstances have been made.

As soon as I came to know of this matter, I informed the editors of two Indian Christian papers, one called the "Almaida" published in Lahore which is circulated in every district as well as many states, and the other "Sai-e-Jadid" published in Kapurthala and this information appeared in the October number of these papers. Again, the further information about the composition of these constituencies that is showing the districts comprising them was received later and I forwarded it again to the Editor of the "Almaida" and that appeared in the November number. Thus the matter has been fairly well circulated and a good many Christians have come to know about it. Some Christians have discussed the matter with me and they have said that they would have preferred an arrangement by which as many districts as possible could be included in the special constituencies, because they are very interested about the representatives they send to the Council that they may send the best men as far as possible. I also brought this matter to the notice of the Indian Christian Association and they carefully considered it from every point of view, from the point of view of our Hindu brethren who say that our voting with them disturbs them, from the point of view of the general Christian who says he is interested in voting for the best Indian Christian representative and also from the Government point of view of convenience, and of not making the constituencies too unwieldy. The Indian Christian Association desire me to report that they prefer the eight-district proposal to the ten-district one. That is, they prefer the first proposal to the second because of the smaller size that the constituencies would have, and they suggest that if convenient this be further reduced from eight to six, that is the six districts with the largest population only be included in the two constituencies.

I have got one thing more to say and that is this that the total population of the Punjab is 23,580,852 and in the next Council there will be 175 members. Thus the average we get per member is 174,747 against which the Indian Christian population is 392,144. Thus this gives 2.91 seats against which we have been given two seats. With a small weightage we might have been given three seats.

Khan Bahadur Nawab Muzaffar Khan : I do not think the honourable member can discuss that point.

Mr. E. Mayadas : I only wanted to bring it to your notice. I do not want to discuss it and I feel I can safely leave the matter in the hands of Government. With these words I resume my seat.

Khan Bahadur Nawab Chaudhri Fazl Ali (Gujrat East, Muhammadan, Rural) (*Urdu*) : Sir, I had no idea to participate in the debate as I thought it unnecessary to do so. But as the honourable member from Ambala (Chaudhri Allah Dad Khan) has been pleased to make mention of my district and has provoked me to say something in this connection, I feel called upon to make a few observations. He has been pleased to suggest that as the population of the villages in the jurisdiction of the police stations Karyala and Lala Musa in the Gujrat district is very small and as the population of Gujrat, which forms another circle, is comparatively much larger, therefore Zails Fatehpur and Sabowal now included in the constituency of Gujrat should be included in the constituency formed by the area under the jurisdiction of the two police stations mentioned above. But this suggestion, I may say, does not find favour with any one of those who are actually concerned and I have met no one in my *ilaga* who may have complained about the delimitation of the constituencies by the Franchise Committee. I am inclined to think that the honourable member, who is in the habit of poking his nose in the affairs concerning others and who on some previous occasions also has talked of Gujrat district, has made this complaint or has made this suggestion without knowing the real situation and without any knowledge of the conditions of that district. My friend on my left tells me just now that he has been a tahsildar and in that capacity he may have known the conditions of my district. I know that he has been a tahsildar, but unfortunately he could not remain for long in that post and for whatever period he remained tahsildar, he was never posted to any of the tahsils in my constituency.

The honourable member ought to have known that if his suggestion is accepted, the constituency which he considers is small now will become very large. It will then be open to another objection and that is that some villages of one constituency will be in the jurisdiction of two different police stations although so far the guiding principle has been that this should never be done unless it is very necessary to do so.

I take this opportunity to pay my tribute to the Franchise Committee for the services it has rendered to the province and particularly to Nawab Sahib who has been considering the situation very carefully and who also took the trouble of going to my district and studying the conditions there in person. He had been in the district for a considerable time and knows the district very well. We are fully alive to the fact that in the delimitation of constituencies it is impossible to work with mathematical precision and exactitude. It is only on estimates that these things can be worked. Supposing that a population of $1\frac{1}{2}$ lakhs is taken as the average for each seat. It is impossible to stick to that average in each case. It must happen that in some cases this figure should go up to $1\frac{1}{2}$ lakhs and in some cases it should come down to $1\frac{1}{4}$ lakh. Therefore, it is useless to suggest that one or two

[K. B. Nawab, Ch. Fazl Ali.]

zails should be taken out of one constituency and should be included in another constituency. If it has been considered necessary to include Mangowal zail in the Phalia constituency, how can it be said that it is equally proper or necessary to include the two zails mentioned before in the constituency of Karyala and Lalamusa? The conditions of different places are different and if we were to act according to the suggestion of the honourable member, the arrangement proposed will be again open to the same objection to remove which this arrangement is being proposed. But I ask, where is need for making any such change when we do not want it? I have not met with one person in my district who may have expressed his dissatisfaction with the present arrangement in any way.

Chaudhri Allah Dad Khan : Because you are not the true representative of that district and therefore no one would have come to you to express his dissatisfaction.

Khan Bahadur Nawab Chaudhri Fazl Ali : Evidently only persons from Ambala or Ludhiana can be true representatives of the people and no other person! I know that the honourable member has the audacity to speak on every motion that comes up before the House and also to press for it. But I do not remember any such proposal which has been agreed by the Council adopted by the Government. I wonder why he should take upon himself the duty of ventilating the supposed grievance of the people of the Gujrat district when he knows nothing about that district. If at all he has ever been to that district he has gone there only once or twice in the capacity of a jail visitor. Beyond that he knows nothing about the district and it is not for him to ask for any changes to be made in the present arrangements. It is probable that the honourable member might have been approached by any one for his own selfish motive. As I have said before, we are very much indebted to Nawab Sahib for his very fair distribution so far as our district is concerned and we are fully satisfied with it. We do not want any change in that distribution and I am sure that Government will not be carried away by what the honourable member from Ambala has said.

Chaudhri Faqir Husain Khan (Amritsar, Muhammadan, Rural) (Urdu): Sir, I must first congratulate those who have prepared this Report which is now under discussion. It is obvious that they must have worked very hard to bring out this Report for which they fully deserve our thanks. I specially congratulate Nawab Sahib for preparing this Report.

Now, coming to the allotment of seats for different districts I would like to submit that at present according to this Report three seats have been allotted for Amritsar. For Amritsar an allotment of at least three seats was very necessary. For Sialkot one more seat has been demanded. Three seats have already been allotted to Sialkot. The population of Sialkot is 529,598. According to this Report for the representation of 158,374 persons one seat is allotted.^a According to this arrangement by allotting three seats for Sialkot arrangement for the representation of 475,122 men has been made. The remaining population which will not be represented consists of 54,476 men. Similarly the total population of Amritsar is 382,984. At present three seats have been allotted for Amritsar. If you take away one seat only a population of 316,674 persons will be represented and the remaining population of 66,233 persons will go unrepresented.

The number of those who will not get any representation in the Amritsar district in case one seat is taken away, is far larger than the number of those who according to the present arrangement of representation of Sialkot district will have no representation. The number of such men who will not have any representation in the way I have described in the districts of Amritsar and Sialkot is 66,233 and 54,476 respectively. In the presence of these figures in all fairness it is desirable that the third seat allotted to Amritsar should not be taken away from it.

Another reason why Amritsar deserves three seats and not two is this, that at present so far as elections to the district board are concerned the system of joint electorates is in force. On account of joint electorates the Muslims of this district on account of the neighbouring powerful sister communities fail to capture the proper number of seats according to their population in the district. To compensate this loss it is necessary that Amritsar should be given three seats as at present arranged.

As regards the claims of Attock to one more seat my argument against this district is the same which I have already advanced against a similar claim of Sialkot. The population of Attock is less than Sialkot. As such it cannot have a superior claim to a third seat than Sialkot, and regarding the claim of Sialkot I have already made my submissions and shown how it cannot be admitted.

In view of all that I have said, I think it would have become clear to this Honourable House that it is only Amritsar that deserves 3 seats.

Sayad Mubarak Ali Shah (Jhang, Muhammadan, Rural) (Urdu): Sir, the work of delimitation of the constituencies in this province for the coming reforms is a very important and rather a delicate one. Everybody expected that much time would be spent in fixing the territorial boundaries of these constituencies. But this has been completed within a very short period and that accounts for the hard labour put in by the members of the Franchise Committee under the guidance of our able Reforms Commissioner (Khan Bahadur Nawab Muzaffar Khan). Hence I would be lacking in my duty if I do not associate myself with the previous speakers in congratulating the Nawab Sahib and the members of the Franchise Committee for their untiring labour to put through, as I have said before, this most important and delicate work. And I say :

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The work of delimitation of constituencies for every community, class and interest in this province being very important and delicate I am sure the Franchise Committee must have been confronted with much difficulties in reconciling different communities and interests in certain cases, but they have come out with great success in this respect. The successful working of the new constitution mostly if not entirely depends upon these proposals and it is the duty of every member of this honourable House to make some useful contribution to it in general, and regarding their respective constituencies in particular. So, I will put forth the demands of my constituency, and make some suggestions regarding the same.

As honourable members know I represent the Jhang Muhammadan Rural constituency in this House. So I shall try to confine my remarks to it,

[Sayad Mubarak Ali Shah.]

but I may have to compare the claims of my district with one or two other districts of this province. There are always certain principles which are observed in every work of this nature, such as allotment of seats to each district of this province. The main criterion in this case were the population, the voting strength and the land revenue annually paid by the districts concerned. According to all these three principles, as I understood them, I expected that my district (Jhang) was entitled to four Muslim rural seats and I awaited the recommendations of the Franchise Committee very anxiously. When these were published and there was no proposal regarding the number of rural Muslims seats allotted to my district, it only indicated that the Deputy Commissioner was consulted as there was great disparity between the population of the constituencies proposed for the district. From the study of the proceedings of the Franchise Committee I could make out (as the last two lines of paragraph 15 indicated) that the Committee was considering the claims of my district to another seat, but I could not find out whether their claims to another seat referred to the fourth seat or a fifth one being given to my district. And when we were supplied with another list of the remaining constituencies delimited later on, then to my great surprise I found, that my district was allotted only three Muslim rural seats. I was further disappointed when I found in the same further list of constituencies as it was called that districts like Dera Ghazi Khan and Amritsar were put in the same category with my district Jhang, i.e., they were allotted equal number of rural Muslim seats (three to each district). If we look at the statement "E" (Muhammadan Rural) of the "Note on the delimitation of Constituencies," we will observe that there is great difference between the population of the districts of Amritsar, Dera Ghazi Khan and Jhang, this being nearly 383,000, 407,000 and 518,000, respectively. There are certain other districts which have got much less Muslim rural population and have got the same number of seats as Jhang, but for convenience sake, and also taking in view the time of this Honourable House I have picked out only these two districts of Amritsar and Dera Ghazi Khan, the former with the least Muslim rural population and the later coming next to it in the same category of districts which have been allotted three Muslim rural seats each. Jhang and Dera Ghazi Khan being in the same division, I will further compare them in this respect. All of us have seen that there is a difference of nearly 111,000 between the rural Muslim populations of these two districts. Now I will present the House with two other aspects of the question, i.e., the difference between the voting strength and the amount of revenue annually taken by the Punjab Government from these two districts. Most part of Jhang district, as you all know, is irrigated by the two most important systems of canals, Lower Chenab and the Lower Jhelum, of this province: with the result that a much larger area is annually cultivated in this district than in the Dera Ghazi Khan district, which has as I understand got no permanent canal system and hence Government gets annually much more money from the former than from the latter, in the shape of land revenue and water rates. Again, owing to the presence of the two above mentioned very extensive systems of canals and the district having quite a large area of new colony on these canals, there is no comparison, between the number of small landholders in Jhang district, with those in the district of Dera Ghazi Khan wherein the landed property of each tuman

stretches in miles, and there are but a few votes in each tuman. Almost all the small landholders at present in the Jhang district are voters for this Honourable House, and with the lowering of the franchise qualifications (as proposed by the Lothian Committee) there will hardly be a small landholder left in the Jhang District who will remain unenfranchised. Consequently the voting strength of my district will at least be doubled if not more. There may be an increase in the present voting strength of the Dera Ghazi Khan district owing to the enfranchisement of the tenants but the same will apply to the tenants in the Jhang district; and I am sure the number of so enfranchised tenants of Jhang will greatly exceed that of the Dera Ghazi Khan district. I have endeavoured to put before this House, the case of my district as compared with the districts of Amritsar and Dera Ghazi Khan and more specially with the last mentioned. And the House must have realised that the claims of my district to have more seats than that of Dera Ghazi Khan, are much greater and well founded and deserves sympathetic treatment by the Government to make up the wrong done to it in this respect. There is still an opportunity to rectify the mistake as the present arrangement is not a final one. If we peruse the proposal of the Franchise Committee we shall notice that another seat has been reserved for Dera Ghazi Khan district, I mean the tumandars' seat. It makes four seats in all to Dera Ghazi Khan district.

Khan Bahadur Nawab Muzaffar Khan : They represent the tribes across the border.

Sayad Mubarak Ali Shah : Yes, I know it. They may be given another extra seat for their special services and political importance; I do not grudge them being given a special seat ; they do deserve it, but the fact remains that only a tumandar is going to capture that seat and no outsider. What I wish is this that a seat be found from any other part of the province for Jhang, and it can easily be taken from Amritsar and given to Jhang. But as there is a claimant to that seat—Sialkot in the same division—therefore the third seat allotted to Dera Ghazi Khan, should be taken away from it and given to Jhang district to redress our grievances in this behalf.

There is another point which I wish to put before the House. We find on page 3 of the Proceedings of the Franchise Committee, that one Muslim woman seat was proposed to be given to a rural district which was very backward in education, and was much behind the other rural districts so far as general advancement was concerned ; and specially the womenfolk of that district. It can be easily found out from the Annual Reports on Education and those of other Government Departments that Jhang lags much behind the other Muslim districts of this province even in general advancement of its male population, what to say of the poor womenfolk of that unfortunate district. But as a Muslim district it is very important. Nearly 88 per cent. of the population of that district is Muslim. There is another very important and special feature of this district : that several Muslim ladies belonging to families of very high social and political status, are owners of vast landed properties ; wielding great respect and influence in their districts. But extremely conservative as they are, neither their wealth nor their influence is of any use to their community and country. The fact of their being big landholders can be ascertained from the electoral rolls of the several landholders' constituencies of the Council of State, Legislative Assembly and the Punjab

[Sayad Mubarak Ali Shah.]

Legislative Council. It is very essential that their lot is improved and a seat in the local legislature for them, is bound to have very good results in this direction.

Khan Bahadur Malik Zaman Mehdi Khan : Have you got any educated lady in Jhang who will come to the Council ?

Sayad Mubarak Ali Shah : Probably not, but we can import any number of them from our neighbouring districts such as Shahpur for this purpose (*laughter*). Reverting to the main subject, I would request that a woman elected from Jhang (though she may be an outsider) will take much interest in these Jhang ladies to improve their condition. I am sure this will have a healthy effect on them, and their sense of duty and responsibility towards their community in general and the womenfolk in particular is bound to be awakened with the results, that they themselves will use their wealth and influence in ameliorating the lot of their sisters of the district concerned, and then and then alone the Government will be able to say that they have done something real for the womenfolk in the countryside, where much is needed in this direction.

Even in the White Paper, there is a reference to the special concession being given to backward areas and classes ; and when unfortunately we have got a most backward class in a backward area like Jhang, why should not the Government agree to our legitimate demand of giving us a woman seat in the local legislature and why should it afford this concession to Jullundur district, which is already far advanced in every respect than my unfortunate district of Jhang ? The Government has already given a woman seat to an advanced area, i.e., Lahore and if they wish really to do some good to a backward district then they should give this seat to us, otherwise it will not achieve the object stated in page 4 of the Note on Delimitation of Constituencies and in paragraph 15 of the Proceedings of the Franchise Committee. So, in the interest of political education and advancement among the Muslim women of the backward areas I strongly request the Government to allot this one woman seat (reserved for Muslim rural areas) to my district Jhang, which is most backward in this respect.

I had no mind to speak on this point, that is about the proposed constituencies for Jhang Muslim rural as we are not allotted the number of seats we are entitled to, but my friend Mian Nurullah of Lyallpur has just referred to in his speech, so I will explain what we the Jhang people think about it. Sir, in paragraph 14 of the Proceedings of the Franchise Committee it was pointed out that there was great disparity between the population of different tahsils of Jhang district and again in paragraph 9, on page 2 of a paper called provisional decisions of the Punjab Government on the recommendations of the Franchise Committee which was supplied to us later on, we find that this matter was referred to the Deputy Commissioner, Jhang, for consultation and advice, and on his recommendation the police station of Brana was taken from tahsil Chiniot and annexed to tahsil Jhang constituency while police stations Massan and Athara Hazari were taken away from tahsil Jhang and attached to the Shorkot constituency. Besides making up the vast disparity between the population of these tahsil constituencies, it has removed another very serious defect which would have damaged the

cause of two great and most important Rajput tribes of the Jhang district, viz., the Siyals and the Bhattis. Thana Brana is mostly inhabited by Bhattis—Rajput and also there are good many villages belonging to the same tribe in the adjoining police station of Qadirpur situated to the south of Brana in the Jhang tahsil. By the present arrangement the entire Bhattis *ilaga* has been brought together in the Jhang tahsil constituency and now they would be more able to send to the Legislative Council their nominee (who will look after their interest) than had the constituency been confined to the tahsil boundaries and they remained divided into two constituencies, and their rights ignored, as they could not have influenced the elections. Again, the bulk of the great and most important tribe of the Siyal Rajputs (whose ancestors for centuries were the rulers of the part of this province lying between Multan and Shahpur) have got their *ilaga* in police station Massan and Athara Hazari, in the Jhang tahsil. In combining the police stations of Massan and Athara Hazari with the Shorkot tahsil constituency, their tribe has been brought together in one constituency and in this case it would be more easy for them to send in their nominee and safeguard their interests, than if the mere territorial boundaries of the Jhang and Shahkot tahsils were kept for the purpose of delimiting these two constituencies and the great tribes' influence kept splitted up into two parts. Therefore, so far as delimitation of constituencies in case of three seats is concerned I as the soul representative of the Jhang Muhammadan rural at present in this House assure this House that they are satisfied with the present arrangement. But I most emphatically impress upon the Government to give our claims a sympathetic and most thorough consideration and give us another Muslim rural seat, as a matter of our right and also allot us the "Muslim rural women's seat" not as a matter merely of concession; but because we also deserve it owing to our backwardness.

In the end I should bring it to the notice of Government that there is already general grumbling in Jhang district over our one Muslim rural seat being taken away and it will intensify the situation if no heed is paid to our just and legitimate claims. In making these demands I am voicing the feelings of my electorate, as many prominent electors approached me and asked me to make these demands in the Council when these proposals were discussed. With these words I resume my seat.

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadan, Urban) (*Urdu*): Sir, I did not want to take the precious time of the House in order to lay before it my humble submission. But before me some honourable members of this House have made a few references to the women of this province as well as to the question of their representation in this Council. Kanwar Mamraj Singh Chohan and Chaudhri Ram Sarup have said some things on behalf of women. I am thankful to them. Chaudhri Ram Sarup said that not only men have been deprived of one seat by its reservation for women but also that Shrimati has been deprived of it for that seat has not been given to rural areas and therefore Shrimati would not be able to capture it. I am very thankful to my brother for this consideration on his part. At least one seat for women ought to have been reserved for rural areas. At present this seat which we expected would come to us has fallen to the lot of Lahore. I am glad that Rao Bahadur Chaudhri Chhotu Ram has also

[Shrimati Lekhwati Jain.]

said favourable things on behalf of women. He pressed that one of the seats reserved for women should be given to the rural areas. It was very kind of them all to plead our cause. But let me tell the House that we women are confident that we will surely get our proper rights. From what Chaudhri Ram Sarup said it appeared that he was dismayed at the idea that no seat had been reserved for the representation of women population of the rural areas. I would say that a seat for women should not be reserved for rural areas alone but it should be reserved for the whole of the Punjab Province. Some time back when I moved a resolution in this House asking that women may be allowed to vote for and seek elections to local bodies gentlemen from the rural areas like Rao Bahadur Chaudhri Chhotu Ram and his colleagues opposed that resolution and said that they did not want that their women should go to the local bodies. But I find that they have changed their attitude towards women and have realised the necessity of demanding seats for them. So far as we women are concerned we want that our sisters living in the rural areas should awaken and realise their own interest. According to the Joint Committee's Report four seats have been reserved for women : one seat for a Hindu lady, one for a Sikh lady and two for Muhammadan ladies. The reservation of seats for women only means that women cannot capture seats in a contest with male candidates. So far as we women are concerned we have never requested that seats be reserved for us. We always wanted that we should be given equal rights with men and that we should be allowed to fight election campaigns in the same way as men do. We always trusted that our brethren would never be unjust to us and that they would concede to us the rights which belong to us. I was returned to this Council as its member from a constituency which is ordinarily reserved for men. The seat which I am occupying in this House was occupied before me by my worthy predecessor Rai Bahadur Lala Mohan Lal. On the death of this gentleman his seat fell vacant and I sought election from his constituency. I had to fight election campaign against men candidates in the first election, and then when the successful candidate's election was declared null and void and he was unseated I again sought election. At the second time only a woman contested my right to this seat. During these elections I found that my brothers of my constituency were willing to vote in my favour and this was the reason why no man had the courage to stand against me. This shows that there is no very great necessity for reserving seats for women. We want that we should be given equal rights with men.

The next objectionable thing is that the principle of separate elections has also been thrust upon us. We never demanded separate elections. It is deplorable that a Muslim sister cannot vote for a Hindu lady seeking election and *vice versa*. These separate elections are the seed of disunion and disruption amongst women. This fact that four seats have been reserved for us is a blot on the character of women so far as their conciliatory spirit is concerned. If no seats are reserved for women so far as their conciliatory spirit is concerned. If no seats are reserved for women it is very possible that they might capture more seats in an open contest with men. At present there are four seats reserved for women. If these seats had not been reserved, women would have captured at the most one or two seats less. But this loss would not have been much as compared with the loss which will be inflicted upon

them by separate electorates and reservation of seats. This loss would be the loss of union amongst women and also the loss of confidence in their own capacities.

In the end I would say that only one seat has been reserved for Hindu women and that has also been given to Lahore. The lady member will in future be returned from Lahore. She would be the representative of the whole province. But the women of other districts of the province will have no hand in her election. This is deplorable. With these words I resume my seat.

Mr. Mukand Lal Puri (Punjab Industries): Sir, some honourable members of this House have appreciated the work of the Franchise Committee and have praised our work. We the members of the Committee do not deserve the praise which has been bestowed on us. Let me take the House, into confidence and tell them that the bulk of the work, if not the entire work, was done by our President, I mean, our colleague in the House, Khan Bahadur Nawab Muzaffar Khan, the Reforms Commissioner. He put up a very elaborate and useful note before the Committee and to him the thanks of the House are due but his work was really hindered by the difficulties which were inherent in the constitution of the Committee itself. The work of delimitation of constituencies is a work of very difficult and responsible character and a work for which impartiality and disinterestedness are the chief qualifications. The Committee which was appointed to assist the Reforms Commissioner unfortunately consisted of members of this House, appointed to that Committee more or less on party lines, who were themselves interested in carving out constituencies for themselves and their friends and who were naturally anxious to see that the future constitution of the House was on lines which were most favourable to the point of view which they represented. I do not blame the members. They were nominated to this Committee and naturally they could not help looking out for a constituency for themselves and for their friends. I do not say that this was done consciously. But it was very difficult for human beings not to be sub-consciously influenced in their own favour, they were Judges of their own cause and my own view is that wherever the Report of the President has been interfered with, it is really a moot point, whether that is an improvement on the original. That was his difficulty and that was the difficulty which the framers of this Report had to contend with. Another difficulty was that which was created by the procedure adopted by the Committee. We were asked to lay down constituencies for the election of the representatives of the entire province and the one thing that should have been done was to have invited the public to offer suggestions, or at any rate, a criticism of the tentative proposals of the President. But the Committee never examined any outsider and never gave the public any opportunity of expressing their views and therefore it was not in possession of any information except the one which was made available by the President through official sources and that which was supplied by the members themselves. It was very necessary for this Committee—and it was pointed out but the suggestion was not accepted—that the members of the public who were interested in the future constitution should be invited to offer their suggestions and should be examined, or at least an opportunity given for consideration of their opinions and suggestions. That was not done. Again, we were attempting

[Mr. Mukand Lal Puri.]

to provide for the basis of a new constitution on an enormously increased franchise, and with a few absolutely new features. Therefore instead of proceeding on old lines, on lines which although beaten and therefore easier to be trodden, but which had resulted in a great disparity of representation; instead of chalking out new lines or considering new methods in delimitation of constituencies, the Committee decided to proceed more or less on the existing lines. We have just now had a few remarks from a member of this House on the disparity between the urban and rural representation, as compared with their proportions in the population. I do not wish to enter into a discussion of that proposition at all except to point out that in spite of the fact that the number of constituencies in the Punjab have been doubled, in spite of the fact that the urban area has been increased by inclusion in it of all villages having over 7,500 population instead of over 10,000 as under the present constitution, the urban representation whether of Hindus or of Muslims, is exactly the same as under the present constitution. (*Khan Bahadar Nawab Muzaffar Khan*: We gave 8 seats to the depressed classes.) They will also be representing mostly rural areas, but I particularly wish to draw attention to the paucity of Muslim urban representation. You will be pleased to observe that out of 86 general seats allotted to Muslims, only 9 are given to urban constituencies. But the paucity of urban representation is not my main grievance. In my opinion, the present distinction between rural and urban is futile. But whether that distinction is maintained, abolished, or modified, what I wish respectfully to convey to His Excellency the Governor, through you, Sir, is, that he should see that the new constitution which is the gift of Imperial Parliament, and to which the Imperial Parliament wishes all classes of His Majesty's subjects to be equally and fairly represented, is not, by any system of jerrymandering, made to subserve only the interests of the present party in power, and to intensify the privilege which a particular class enjoys under the present constitution. It is well known that in this province rights are claimed by people on the ground that they belong to statutory agricultural tribes, tribes notified under the Land Alienation Act. You know that a statement every year is given to us detailing as to what the percentage of persons belonging to the statutory tribes—they may not even be agriculturists, they may be merely Sayads carrying on urban occupations and residing in the town of Lahore—what the proportion of the number of statutory agricultural tribes is to those of non-agricultural tribes in the various services. Again throughout the province, privileges and rights are claimed on the ground that a person is or is not a member of a statutory agricultural tribe. Now, Sir, the population of this province consists of about 50 per cent. of the members of statutory agricultural tribes and 50 per cent. of non-agricultural tribes. I put this to the Government, and request them to frame the constituencies on any basis they like, on the basis of rural or urban, if they please, or on any other basis, but let them kindly delimit the constituencies in such a fashion that this House in future shall represent more fairly the population of this province, i.e., that to this House will be returned approximately 50 per cent. of non-agricultural tribes and 50 per cent. of agricultural tribes. And this is not difficult to achieve, if a serious attempt is made to arrive at a fair and equitable distribution on these lines. The consti-
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cies which the Committee has delimited do not provide for such a fair distribution. I make bold to say that the present constituencies would ensure the return of 70 to 75 per cent. of members belonging to agricultural tribes. I am making that statement after careful consideration and I should like Nawab Sahib to contradict it, if he can. I put it to you, Sir, is it fair that the present House consisting of majority of members of statutory agricultural tribes, the present Government dominated as it is, by members of statutory agricultural tribes should lay down the basis of the future constitution, in which although their proportion in the population is only 50 per cent., they should be returned to the Council to the tune of 70 per cent? That is my objection on principle. I do not wish to go into any matter of detail relating to particular constituencies.

Khan Bahadur Nawab Muzaffar Khan : What remedies would you suggest in delimiting constituencies?

Mr. Mukand Lal Puri : I wish that subject had been open for discussion in the Franchise Committee. I would, however, suggest straight away one of the obvious methods which is actually in use in the neighbouring province and that is that the urban seats should only be confined to towns whose population is more than 50,000 and the remaining seats should be divided on territorial basis. The Committee, following the report of the President has made one innovation this year which will have exactly the opposite effect, that is, that villages whose population is 8,000 or 9,000 or less than 10,000 have been now relegated to the urban areas, so that the rural constituencies which will now be formed would not be able to return a member of non-agricultural tribes, or even be influenced by that electorate. I join with my friend Chaudhri Allah Dad Khan in my protest against this innovation and thank him for bringing this change to your notice. He has given you the instance of the village of Shahabad in Karnal district. It is a village. I give you another instance off hand, i.e., of Daska in the Sialkot district, a place to which I and my friend Chaudhri Zafrulla Khan belong and which under the new classification will be treated as towns and which are to all intents and purposes villages. The population of both these villages contains a very large portion of non-agriculturist population and will be deprived of influence in deciding the election of representatives from that rural area. Objection has been taken to the number of Hindu representatives of urban constituencies, i.e., they have been allotted 9 seats. Chaudhri Chhotu Ram says that they should have 6. I say, no, they should get only two or three. After all urban conditions prevail only in Lahore, Amritsar, and possibly at Rawalpindi and Multan. The rest of the province should be divided into convenient areas so as to assure that the members of the House represent the agriculturists and non-agriculturists equally. This is not a point which is being urged here for the first time. This is a matter which has been agitated before and which was also put forward before the Franchise Committee, presided over by Lord Lothian. They went into this question and pointed out that the statutory agriculturists who enjoy special privileges under the Land Alienation Act should not have the additional privilege conferred on them of being in a vast majority on the electoral roll. Franchise proposals should be so framed that the legislature should consist of all the sections of the population in a

[Mr. Mukand Lal Puri.]

fair proportion. Let me place before the House what the Lothian Committee said on the point. They said—

The Punjab Land Alienation Act affords great advantages social and economic to the members of the agricultural tribes and it would not be right to give them in addition, the political predominance which they would gain if they formed $\frac{1}{2}$ of the electorate.

Therefore in making electorates the Government should see that they are given only the proportion which their population entitles them to. By a little jerrymandering, you can assure that the Hindus, Sikhs and Muslims who are returned to this Council do not have more than 50 per cent. of members of statutory agricultural tribes. But the constituencies as at present framed, would result in sending 75 per cent., or in any case not less than 70 per cent. of the members of statutory agricultural tribes, to the Council.

Chaudhri Allah Dad Khan : They are 80 per cent. of the population.

Mr. Mukand Lal Puri : They are 50 per cent. and no more. Kindly study the Census Report. If they are 80 per cent., I have no grievance. What I submit is this, that if my premises are correct that the members of statutory agricultural tribes do not form more than 50 per cent. of the population, you will kindly see that you delimit the constituencies in such a fashion that it should be possible for about 50 per cent. of members of non-agricultural tribes consisting of Hindus, Muhammadans and Sikhs to be returned to this Council. If the result achieved is different, I am not here to attribute motives, it would always be said that the party which was in power intentionally brought about a state of affairs by which their own predominance was perpetuated. I am not concerned with the proportion of rural and urban members. Am I a rural or an urban person? I have a vote in rural areas and will probably be returned next time from a rural constituency, if I care. I have houses in rural areas and lands and property. I have lived in rural areas during my childhood and if for the purposes of my profession I have to come to Lahore, there is absolutely no reason, why I should be any more an urban member than any other rural representative. What difference is there between Chaudhri Zafrulla Khan and myself? He is a barrister practising here. We both come from the same place and practically from the same surroundings. His father was a lawyer, so was mine, he owns land and so do I, and both of us practise at Lahore.

Chaudhri Allah Dad Khan : Daska has been joined to Sialkot.

Mr. Mukand Lal Puri : I do not live at present in a village, Chaudhri Zafrulla Khan also does not live in a village. I live 5 miles away from Daska. My humble request to His Excellency the Governor who is the guardian of the constitution is, that in order to prevent any unfairness to the minorities he should kindly see that 50 per cent. representatives are secured to non-agriculturists. And it can be easily done. In a few days, sitting for a few hours only a Government official should be in a position to demarcate constituencies which would achieve that result. It is a thing which should be attempted and done. The cry of rural and urban differences is a false cry. Do not give the towns 9 seats, give them three for Lahore and Amritsar, Rawalpindi and Multan. The rest of the province should be

divided into rural constituencies so arranged that every section of the population receives proper representation. This cry of antagonism between rural and urban is absolutely false and is an attempt to side track the real issue. You do not give a post to a Shaikh if his father and he himself live in rural areas, nor do you refuse a post to a Sayad of Lahore who has never moved out of Lahore. The Sayad is a member of an agricultural tribe and the Shaikh is not inspite of the fact that a Sayad lives in the town and his ancestors have also lived in towns while the Shaikh lives in a village. I therefore ask the members of this House that in all fairness it is necessary that the constituencies should be so delimited that they should represent the various elements in the same proportion as they are represented in the population. Now I take up one or two small matters of detail. May I point out with respect to the depressed classes that Kabir Panthis of Hoshiarpur and Mahashas of Gurdaspur have not been included in the category of depressed classes? What happened was that this matter of representation of depressed classes was considered in the Committee at an earlier stage and we blindly followed the advice of a gentleman who represented the depressed classes and whose claim to represent them has subsequently been denied by several associations of repute and who subsequently sent these associations to us. I have so often said that everybody is anxious to carve out constituencies for himself and is afraid lest others might appear on the scene. Therefore these Kabir Panthis have been excluded from the list. A representation has been sent to Government a copy of which has also been supplied to me. It is signed by a gentleman who appeared before the Franchise Committee as a representative of depressed classes and who pleaded the claims of depressed classes before the Committee on behalf of his association. He was also called to give evidence and was examined at some length. I have personal and direct knowledge that Kabir Panthis of Hoshiarpur are treated as untouchables. There is a judicial case of 1931 in which Rajputs of Hoshiarpur district would not allow the Kabir Panthis even to bathe from the same tank or in fact from the same tap in the tank at which other Rajputs bathe. All the conditions which are necessary for the inclusion of Kabir Panthis amongst scheduled castes are to be found among them but these persons do not find themselves in this category. Again census figures have been taken as a basis of allocation of seats for these depressed classes. In some of the districts, depressed classes got themselves recorded as Mahashas or Vedic Dharmis. If you call a man Chuhra (sweeper), he is ashamed to own it, and some of these depressed called themselves Mahashas. It is quite possible that in a future census, some of the depressed classes would style themselves as Harijans, and the census man will put them as Harijans. Population of Gurdaspur has been taken from census report in which these persons are recorded as Mahashas. That is a matter to which I particularly invite the attention of the President of the Committee if he has still something to do with the matter. After all these matters should not be decided according to the opinion of one person who may have been nominated by the Government as a representative of those classes and he may possibly have reasons of his own to ask for exclusion or inclusion of certain persons. There is another matter in which the disinterested opinion of our President, was disregarded by a majority of the Committee. He definitely included in the list of voters of commercial constituency, companies whose paid up

[Mr. Mukand Lal Puri.]

capital was Rs. 25,000. It is on page 21 of the Report. At the Committee stage unfortunately I happened to press for it and as voting usually went on party lines, I found myself with Mrs. Chatterjee, a Christian lady, a representative of ladies who I may point out was very useful, in a minority of two persons against four. Some people did not vote and therefore a very useful proposal of the Government was not accepted. Again, I request the Govern-

4 P. M.

ment to consider the claims for inclusion among the commerce constituency of trade associations other than those which figure on the old list. There is no reason why the Indian Chamber of Commerce of Lahore of which the President is Lala Harkishen Lal and the Deputy President is our friend, Khan Bahadur Sardar Habib Ullah and the Secretary, the indefatigable Mr. Sodhbans, and which enjoys so many privileges, already as for instance the returning of two members to the North-Western Railway Advisory Committee and which consists of the leading figures in the commercial life of this province, why this body should not be included among the voters, and why the other trade organisations of this province should have been excluded. The list of electors for this constituency has been unnecessarily narrowed down. I may respectfully point out as a result of ignorance on the part of members of the Committee more than due to any particular design, the companies under the present constitution have a right of vote in the constituency of industry. They have a right to be included, and the Government has rightly included them and restored the original proposal of the Government. There are thus only two matters of detail, the depressed classes and commerce, for which I have claimed the indulgence of the House for this time. But the main matter which should be set right is, as I have suggested, whether the thing is done by this Committee, by its President with or without the members, whether it is done by another Committee appointed by the Government, or by some official, the most important thing is for the Government to assure that in the new constitution which the Parliament has been graciously pleased to confer on the Punjab the various sections of the population of the province should find their due representation in the new Council and in proportion to their strength in the population.

Rai Bahadur Mr. P. Mukerji (Punjab Chamber of Commerce and Trades Association, Commerce): Honourable members who have preceded me have made comments on the various proposals embodied in the Proceedings of the Provincial Franchise Committee and the provisional decision of the Punjab Government on the Report. I desire on this occasion to confine my remarks to the matter relating to the Commerce Constituency and express the disquiet caused by the provisional decision of the Government to the two great well-established commercial organisations in the province, namely, the Punjab Chamber of Commerce and the Northern India Chamber of Commerce. Before going into the question I feel it is desirable that I should place before the honourable members of this House a history of the formation of the Commerce Constituency in this province as briefly as I can.

With the inauguration of the Morley-Minto Reforms in 1909 the Commerce Constituency was formed and the Punjab Chamber of Commerce with its headquarters in Delhi, then within the province of Punjab, and

branches in Lahore and Amritsar—the only well-established commercial organisation fully representing both European and Indian commercial interests, was accorded the privilege of electing a member to the Punjab Legislative Council when the number of elected seats was only 11 and the total strength of the Council 29. This privilege of independent representation was exercised by the Chamber without interruption for eleven years. But under the Montagu-Chelmsford Reforms when the membership of the Council was considerably increased—from 29 to 97—representation of commercial interests was actually halved for the Punjab Chamber of Commerce was allotted a seat jointly with the Punjab Trades Association. The interests of merchants are not the same as those of traders and it is for this reason that commerce and trade are given separate representation in the other provinces and even the Lothian Committee recognised this difference. On page 130, paragraph 327 of their Report they said "We recognise the diversity of interests as between trade and commerce."

As soon as we came to know of this unhappy amalgamation of interests we represented the matter to the Government and we were given to understand that this diminished representation of commercial interests in the Punjab was due to an oversight and hopes were held out by the highest authority of the land at the time, a distinguished Viceroy, that the Chamber's claim for increased representation on the Punjab Legislative Council would be duly considered. The commercial community in the Punjab have been for the last several years labouring under a grievance in the matter of their representation in the legislatures. Since the introduction of the Montagu-Chelmsford Reforms their privilege for representation has been gradually restricted and the proposals for Indian Constitutional Reforms so far as the provincial council is concerned practically extinguish it. Three main points in this connection deserve special attention. The first is that, although, with the introduction of each successive stage of reforms, the Punjab Legislative Council has been enlarged commercial representation instead of being increased has been actually curtailed. The second point is that, while in every other province the number of commercial and industrial seats under the present proposal has been increased, except in the cases of the United Provinces and the Central Provinces, where the number is retained, it is only in the case of the Punjab that it has been curtailed. I will read out a statement which will convince honourable members, how commercial interests in the Punjab, have suffered under the present proposals, in comparison with other provinces.

NUMBER OF SEATS ALLOTTED TO COMMERCE, INDUSTRY, MINING AND PLANTING.

Province.	Indian Councils Act, 1909.	Government of India Act, 1919.	Present proposal.
Madras	4	5	6
Bombay	4	7	8
Bengal	6	15	19
United Provinces	2	3	3
Punjab	1	2	1
Behar and Orissa	2	3	4
Central Provinces	NB	2	2
Assam	3	6	11
Orissa (New Province)	*	*	1
Sind (New Province)	*	*	2

[R. B. Mr. P. Mukerji.]

Honourable members will observe that Assam a comparatively new province, with one-third the population of the Punjab has been accorded increased commercial representation almost in geometrical progression—8 in 1909, 6 in 1919 and 11 under the White Paper Scheme. Even Orissa, the proposed new province with little or no commercial importance has been given one seat.

The third point is that Labour in the Punjab Legislative Council has hitherto been represented by one nominated seat but under the proposed reforms Labour is to have three seats. It is not my concern to point out the difficulties of obtaining proper representation of Labour in its present unorganised condition in the Punjab nor do I object to increased representation of Labour; but I certainly protest against commercial and industrial interests of the province being granted a very much smaller representation as compared to Labour. It will be observed from the tabular statement given on page 79 of the White Paper that in no other province except in the Punjab, the employers of labour as such, have been awarded a less number of seats than Labour itself.

I will not weary the House by quoting more figures but, I should like by way of contrast, to mention that in Bengal while Employers of Labour have been granted 19 seats and in Assam 11 seats Labour has got 8 and 4 seats respectively. In the Punjab the table is entirely turned, Labour has got 3 seats as against 1 for the Employers of Labour. Even in the League of Nations where the International Labour Bureau is set up for ameliorating the condition of Labour throughout the world, Employers of Labour have got equal representation with Labour itself. The position in the Punjab is unique in this respect.

Some of the honourable members may very well repeat the argument that since the general constituencies return quite a number of commercial men there is no need of special constituencies for Commerce and Industry. To them my reply will be that the same remarks will apply to other special constituencies and since these constituencies have been retained in the other provinces the Punjab should be treated in the same manner as the other provinces have been. Another convincing reply is the one made by the Lothian Committee in this respect. I shall read the relevant portion from paragraph 320 of their Report :—

The suggestion has been made that the general constituencies can be relied on to return in sufficient numbers members whose experience is such as to enable them to speak with authority on commercial and industrial questions and that special representation for commerce and industry is unnecessary in the new legislatures. We are unable to accept this view. Functional representation is assuming increasing importance under modern conditions, and the arguments in favour of making special provision for the presence in legislative bodies of business and economic experts is in our judgment a strong one. While general constituencies may not frequently return individuals whose knowledge and experience is such that they can make contributions of value in discussions on commercial and industrial questions, those members speak primarily as representatives of their general constituency, and they may on occasion find that the claims of the constituency are difficult to reconcile with a wholly dispassionate examination of particular economic issues.

Another point to which I desire to draw the special attention of this House is that while Government is anxious that Englishmen and Indians should come into closer co-operation with each other, any such co-operation in the

Punjab seems to be discouraged. A very glaring instance of this is the treatment meted out to the commercial men—both British and Indian—in the Punjab. In every other province British and Indian commercial interests have their own separate organisations and have secured separate representation in the legislatures, but, in the Punjab since these interests are amalgamated, in the Punjab Chamber of Commerce and the Northern India Chamber of Commerce, they have been accorded one seat only in the provincial Council. Had there been two separate bodies representing exclusively British and Indian commerce I have no doubt that they would have been given at least one seat each. My constituency fully realize, that unless the communal award is modified or amended, there is no chance of increased representation. At the same time they cannot help ventilating their just grievance.

Having placed before you the history of the Commerce Constituency and the vicissitudes through which it has passed, I now come to the recommendation of the Provincial Franchise Committee and Government's provisional decision thereon. The qualifications of a voter in the Commerce Constituency of the Punjab are (see page 97 of the White Paper) that he should be a member of the Punjab Chamber of Commerce or of the Punjab Trades Association having a place of business, or working for gain, in the Punjab. The Government's proposal with regard to this constituency, which the Provincial Franchise Committee considered was that—

A person shall be qualified as an elector for the Commerce Constituency who—

- (a) has a place of business, or works for gain, in the Punjab and is a Member of the Punjab Chamber of Commerce or of the Northern Indian Chamber of Commerce or of the Punjab Trades Association, or
- (b) is a member of a Company having a place of business in the Punjab and having a paid-up Capital of not less than Rs. 25,000 and has been nominated by the Company for the purpose of voting in its behalf.

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

The Provincial Franchise Committee considered the question and by an overwhelming majority accepted the first part of the proposal and rejected the second part which contemplated the inclusion of companies having a place of business in the Punjab and having a paid-up capital of not less than Rs. 25,000. The Government, in their provisional decision, have not accepted the findings of the Committee but have reaffirmed their decision regarding the electorate. Before making comments on this provisional decision, I should like to offer a few observations on the questions raised by the honourable member representing industries, during the discussion, as published in the report of the Provincial Franchise Committee. His first point was that there was no check on the violation of these associations to admit or refuse to admit any person to their membership and that there should be such a provision as to enable any person to become their members. So far as the Punjab Chamber of Commerce is concerned, I may tell my honourable friend, that within the last fifteen years there has not been a single instance when a firm, company or individual engaged in *bona fide* mercantile pursuits whose application for membership has been rejected and I have no doubt that the same remarks apply in the case of the Northern India Chamber of Commerce. It is true that the head office of the Punjab Chamber of Commerce is situated in Delhi but perhaps honourable members are aware

[R. B. Mr. P. Mukerji.]

that it was established in 1905 when Delhi was within the province of the Punjab. At the same time, it has got offices with local committees in Lahore and Amritsar and meetings of the Managing Committee of the Chamber are held in Delhi, Amritsar and Lahore and questions of great importance are dealt with jointly by the Punjab Chamber of Commerce and the Northern India Chamber of Commerce. It was also argued that as the Punjab Chamber of Commerce has its head office in Delhi a large number of its members would be excluded, under the rules, from being eligible for election. But the reverse is the case. Most of the members have either branch offices in the Punjab or works for gain in the Punjab. The last objection was that even such big banking companies as the Punjab National Bank and the Central Bank of India were not members of either Chamber. This statement again is inaccurate. The Central Bank of India are members of the Punjab Chamber of Commerce and I can assure my honourable friend that the doors are open for the Punjab National Bank or for that matter any other respectable commercial firm or company to be members for either or both Chambers. All the bigger banking institutions are members of the two Chambers and the financial, commercial and industrial interests of the province are very well represented in these two Chambers.

I now come to the provisional decision of the Government with regard to the Commerce Constituency. As regards the first part, my constituency have no objection, although we should have liked that Trades were given separate representation, as the interests of Trade and Commerce are sometimes divergent, the point I have emphasised in the earlier part of my observations. As regards the second part which includes companies with a paid-up capital of Rs. 25,000 in the Commerce Constituency we have serious objections. The honourable the Leader of the opposition, at the time of discussion in the Provincial Committee, raised a very important point, namely, that it will lead the door open to people not concerned with commerce to start companies and claim the right of a voter. Another important point to which I desire to draw the attention of the House and particularly of the Government Members is that on page 78, paragraph 10 of the White Paper it is definitely laid down—I shall quote the exact words :—

The special seats allotted to Commerce and Industry, Mining and Planting will be filled up by election through Chambers of Commerce and various Associations.

and in the Lothian Committee's Report in paragraph 323 they say :—

We have given consideration to the claims for special representation advanced by organisations speaking for trade and commerce in various provinces other than those already represented. The commercial and industrial organisations now recognised for the purpose of representation in the legislatures are, in our view, fully capable of representing the interests of industry and commerce as such. We do not, in these circumstances, recommend any increase in the number of existing constituencies.

In paragraph 196 of the Joint Parliamentary Committee Report it is laid down that the special seat assigned to Commerce and Industry would be filled by election by Chambers of Commerce and other similar associations. From this it will be observed that the Lothian recommendations and the White Paper proposals as well as the Joint Parliamentary Committees findings are definitely contrary to the provisional decision of the Government in this matter, and the view expressed by the Leader of the opposition raises

an important issue; namely, that there is the danger and possibility of a non-commercial individual representing the commerce constituency which creates a very anomalous position—a position which destroys the basic principle of commercial representation.

Let me now examine the proposal more closely. The number of companies with a paid-up capital of Rs. 25,000 and over, registered in the Punjab, is about 120. But the proposal is wider in its application. For, companies registered elsewhere but working for gain in the Punjab are also eligible to exercise their votes; and their number may not be inconsiderable. Thus the number of such electors will be far in excess of the number of electors in the two Chambers and the Trades Association taken together; and it can be reasonably expected that a candidate independent of these bodies will secure election. The disadvantages in that case are obvious. For, as in the other provinces, if the constituency is confined to the three organisations, their representative would speak on behalf of organised interests and would be guided by them. On the other hand an independent member would, to a very great extent, be irresponsible. An instance in point is what happened the other day in my own case. The resolution regarding the election of non-official chairmen in district boards drew the first place in ballot in my name, and when I referred the matter to my constituency, I was told that the principle of the resolution was not acceptable to them and I had to drop it. In the case of an independent member it would have been quite different and the inference would be that his views were the views of the commercial community although that would not be correct. Another matter which I should like to mention is that by granting the privilege to companies there is every possibility of foreign interests being represented. For instance, a Japanese or a German Company with an Indian manager, working for gain in the Punjab, will, under the present proposal, be a voter and may even be elected to the Council.

The objections to the present proposal are numerous. It is directly antagonistic to the principle laid down in the Lothian recommendations; it runs counter to the White Paper proposals, as well as the Joint Parliamentary Committee's findings, it has no parallel in the other parts of this country and above all it is a negation of the principle of commercial representation.

Rao Bahadur Chaudhri Chhotu Ram (South East Rohtak, non-Muhammadan, Rural): Sir, I happened to serve on the Committee whose report is now under consideration, and I can pay a very warm tribute from personal knowledge to the hard work which Nawab Muzaffar Khan put in in the way of collecting necessary data, arranging and marshalling them before the Franchise Committee. But for his vast knowledge of the subject and his valuable experience the Committee would have found it very difficult to draw up the Report that is now under discussion.

So far as the Report itself is concerned there has not been much criticism. Most of the criticism that has been offered in the House proceeds really against the action that has been taken by Government on the Franchise Committee's Report, and so far as the action of Government is concerned I myself have a very serious complaint to make. So far as the delimitation of constituencies is concerned, there have been only two complaints. But so far as the measure of representation which should be allowed to classes and

✓ [R. B. Ch. Chhotu Ram.]

communities is concerned, I feel greatly aggrieved. I think there can be only two factors to be considered in this connection, either the factor of population or the factor of taxes which are paid by the various sections of the community. The Committee proceeded mostly on the basis of population. But Government has not unfortunately acted upon any one principle. Sometimes it has proceeded on the principle of population, sometimes it has proceeded upon the principle of taxation or voting strength, and sometimes merely on the principle of obliging those who are near the centre of power. Those who happened to be near the centre of power, those who were in a position to influence the judgment of Government got what they wanted and those who were at a distance from the centre of power did not get what they really deserved. In this connection I might draw the attention of the House to the distribution of seats that has been made between urban Hindus and rural Hindus. My friend, Mr. Mukand Lal Puri, was complaining that although the population of statutory agricultural tribes is only 50 per cent. they can get a representation under these constituencies or under this Report of about 75 per cent. I will come to that part of the question later on, but I wish my friend would agree on one definite principle. Is he prepared to follow the principle of population through and through? If he is not prepared to follow that principle, is he prepared to follow the principle of taxation? If he is not prepared to follow the principle of taxation either, is he prepared to follow the principle of population and taxation combined? I have not been able to think of any other principle which should determine the measure of representation to be granted to various sections of the population. He was unable to say whether he would like to follow the principle of population because if he were to say that he would suffer. He was not prepared to say whether he would like the principle of taxation to be followed, because he stands to suffer even under that principle. However, so far as the action of Government is concerned with respect to the distribution of seats between rural Hindus and urban Hindus I wish to draw the attention of the Member in charge or of the Government and also of the House to the injustice that has been done to rural Hindus. The total number of territorial seats allotted to Hindus is 43. Out of these 43 seats eight seats will go to the depressed classes and so we are left with only 35 seats. Out of these 35 seats 26 have been allotted to rural areas and nine have been allotted to urban areas. The population of urban areas is slightly over nine lakhs while the population of rural areas is over forty-five lakhs. It is plain on this distribution of seats that while the proportion of rural and urban Hindu population is as one to five, the distribution of seats is as 9 to 26, that is, one to three. The injustice is quite obvious. But this is not all. We have further to consider the representation which the urban Hindu element will receive in special constituencies. Nobody can deny that the University seat is bound to go to an urban Hindu. Nobody can deny that commerce seat is bound to go to an urban Hindu. Nobody will deny that one of the three labour seats is likely to go to an urban Hindu. (*An honourable member*: What do you mean by urban?) What is to be urban and what is to be rural was defined I think fifteen years ago. That definition has been slightly altered. I have thus shown that as many as 12 seats are bound to go to urban Hindus and only 26 seats will go to rural Hindus. If we distribute the seats on the

✓ basis of population rural Hindus are entitled to 29 seats and urban Hindus are entitled to a little less than six seats, 5.86 seats. Is there any justification why a population which is entitled to only six seats should get as many as 12 seats? Is there any justification why a section of the population which is entitled on the basis of population to as many as 29 seats should be asked to be content with only 26 seats? I see absolutely no justification for this disparity in the representation that has been given to urban Hindus and the representation that has been given to rural Hindus.

This is not all. If we apply the principle of taxation, I think urban Hindus will find themselves in a much worse position. So far as provincial revenues are concerned the share which is contributed by urban Hindus will certainly not be in excess of 10 per cent. Therefore both on the principle of population and on the principle of taxation urban Hindus are entitled to a far smaller share than has been allotted to them by Government.

Coming further down to the distribution among districts and divisions, I beg to submit that the Ambala division has been treated much more unjustly than any other portion of the province under the scheme. On the basis of population Ambala is entitled to a little less than 12 seats. On the basis of voting strength, it is entitled to 18 seats. If we take the mean of the two as the true basis of distribution we shall find that Ambala is entitled to more than 12 seats. Yet it has been allotted only 11 seats.

Khan Bahadur Nawab Muzaffar Khan : We have proceeded on the population basis only.

✓ **Rao Bahadur Chaudhri Chhotu Ram :** If that is the case, there is no reason why urban Hindus should have been allotted as many as nine seats. Apply one principle throughout and I shall be content. If you apply the principle of population I shall be content with whatever falls to my share on the basis of population. If you apply the principle of taxation, even then I am content with whatever happens to be my share on that basis. If you combine the two principles together and proceed upon the combined basis, I am quite prepared to have my share on that basis. But unfortunately Government has not adhered to any one principle at all. Government has applied the principle which seemed to suit the convenience of those who are near the centre of power as I have already submitted.

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That has been the principle which has been followed by Government in allotting these seats. In this connection I may also draw the attention of the House to the fact, that in 1919 the Southborough Committee invited the attention of Government to the fact, that rural areas in the Punjab had not been given sufficient representation and on the recommendation of that Committee the Punjab Government had added two seats to the rural share. Later on, when the Punjab Government's recommendation reached higher quarters, the atmosphere was different and instead of the rural population getting a higher share, that is, the share that had been recommended by the Punjab Government, got a share which was worse than what the Southborough Committee had declared to be inadequate. The Joint Parliamentary Committee seems to have noticed this disproport-

[R. B. Ch. Chhotu Ram.]

tionate representation of rural and urban interest even this time. I may be permitted to read here what they say at page 70 of their report. This is what they say :

The proposals will in the case of most provinces redress the balance between town and country which is at the present time too heavily weighted in favour of urban areas.

Now, here is the opinion of a committee at which statutory agriculturists were not at all represented. It is the opinion of a body of persons who may be regarded as perfectly impartial and perfectly just. They say definitely that the representation previously accorded to rural areas on the electoral roll was very inadequate and that the proposals which they now make in respect of franchise would set right that inequality. They have used the expression 'too heavily weighted in favour of urban areas. That is exactly my point. Under the existing state of things urban areas have received larger share of representation than they are entitled to. Are we going to perpetuate that over-representation of urban element? The action that has been taken by the Punjab Government on the Franchise Committee Report seeks to perpetuate this state of things. So far as the observation, which I have quoted from the Joint Select Committee's Report, is concerned it makes a reference, of course, only to franchise. But franchise is meant to be used to return members who are advocates of a certain policy, who will seek to give effect to a certain programme. If rural areas are given franchise which is commensurate with their population, but are prevented by artificial means from sending a sufficiently large number of their own representatives, then the object which the Joint Select Committee had in view will not be served.

So far as unfair distribution between one district and another is concerned, attention has already been drawn to the question by my friend Chaudhri Ram Sarup. He put forward a reasonable plea for giving four seats to the Rohtak district. It will be quite easy to give four seats to the Rohtak district if the share of urban representation is reduced to proper limits and two or three seats are added to the share of rural Hindus. There was another question to which attention was drawn by Kanwar Mamraj Singh. The Ambala district has been very unjustly treated. It has no share in the increase at all. Ambala and Simla taken together have just one seat allotted to them under the present proposals as is the case even under the present constitution. Under the future constitution the strength of the Council will be more than double and yet it is strange that the Ambala district stands where it was. Even the depressed classes in the Ambala division have not been given any share. Therefore in order to redress these inequalities the only effective thing that can be done, is to reduce the share of urban people and add it to the share of rural Hindus.

Now I come to certain points which were raised by my friend, Mr. Mukand Lal Puri. He said very strange things. As a matter of fact the two propositions which he put forward in the same breath were self-contradictory. In the first instance he said that this Report was drawn up by persons most of whom were themselves interested in the result of the Report. That is perfectly true. Then in the same breath he stated that one of the greatest shortcomings of the Report was due to the fact that those who

were most interested in the election or in the constituencies were not consulted or examined as witnesses. Now, if the examination of those who are interested in the elections was to be helpful at all there is no reason why the work on the Committee of those who were interested in the elections would not be equally helpful; but if it was likely to vitiate the result or hamper the progress of the Committee, as Mr. Mukand Lal Puri suggested, there is no reason to think that the examination of witnesses would not have influenced in a wrong direction the conclusions which were to be reached by the Committee. Mr. Puri also suggested that the distinction between rural and urban areas was entirely futile. This has been very frequently suggested by members who are interested in seeing this distinction abolished. But I think I can refer my friend to an authority which even he would not be in a position to challenge. Mahatma Gandhi himself has said that in the governing bodies of the Congress, rural population ought to have a representation of 75 per cent. Not only this. He has even added that if properly qualified representatives are not forthcoming from rural areas their seats should be kept vacant. They should not be filled by urban people in any case. In the face of this view of Mahatma Gandhi for whom we all have the greatest possible respect, Mr. Puri should not have suggested that the distinction between urban and rural areas is a futile distinction. It is certainly an inconvenient distinction from his point of view. My friend also dragged in the Punjab Alienation of Land Act. That unfortunate legislation must always turn up like King Charles' head in urban members' speeches. I am glad that no member belonging to my party has dragged in this legislation this time. It is the representative of the urban population that has dragged it in. But I do not see what occasion there was to discuss the Punjab Alienation of Land Act. There is not one word in the whole of this Committee's Report which refers to the Punjab Alienation of Land Act. There is not one word which suggests the idea of statutory agricultural tribes. The only words which I find in this Committee's Report are general seats, special seats, Hindu seats, Muslim seats, Sikh seats, Christian seats, Anglo-Indian seats, European seats, Landholders seats, University seats. There is absolutely not a word either about the statutory agricultural tribes or anybody else. Now my friend made a complaint of the fact that in this House a very large proportion of the members are drawn from statutory agricultural tribes and he expressed his fears that under the new constitution also a very large proportion of the members would be drawn from statutory agricultural tribes. It may be so or it may not be so. It will actually depend upon circumstances and upon the dominating ideas at the time of election. But suppose 75 or even 90 per cent. of the members of the future Council are drawn from the statutory agricultural tribes, where is the harm? Why should there be any harm? After all, nobody suggests that the candidates must be drawn from a particular class. Nobody suggests that the voters should only be drawn from a particular class. The voters are there; the candidates are there and it is for the voters and the electors to make their choice. Now as many as 10 per cent. of depressed classes are going to be enfranchised and the general percentage of other classes will be higher still; probably the general estimate is that 14 per cent. of the population will be enfranchised. It is for that electorate to make the choice and if the choice of that electorate falls upon the members of agricultural classes in as many as 75 per cent. cases nobody has a right to complain. But if

✓ [R. B. Ch. Chhotu Ram.]

my friend will look a little nearer home he will find that he has no reason to complain. The complaint should really come from somewhere else. Look at this group of benches. Mr. Nanak Chand Pandit comes from a rural constituency. Rai Bahadur Lala Sewak Ram comes from a rural constituency. Diwan Bahadur Raja Narendra Nath comes from a constituency which should be regarded as rural. Mr. Labh Singh comes from a rural constituency. Lala Bhagat Ram comes from a rural constituency. (*An honourable member*: Therefore they are urban?) No. They are urban in extraction; they are urban in their outlook; they are urban in their sympathies. I will come to that point later on. Let me add that Rai Sahib Lala Gopal Das also comes from a rural constituency. Therefore, so far as this point is concerned, the boot is on the other leg. But no complaint should be made on that score by anybody. Rural constituencies have a perfect right to elect an urban man. Urban constituencies have a perfect right to elect a rural man. However, if my friend insists on population figures being represented in this House, I am quite prepared for it. Let 9 lakhs of urban Hindus return the number of members to which they are entitled and let 45 lakhs of rural Hindus elect the number to which they are entitled. If you go beyond that and treat the provinces as a whole I will have no objection. If you lay down such a proposition, let 90 per cent. of the rural population elect 90 per cent. of the members of this Council irrespective of the electors or the candidates being Sikh, Hindu or Muslim.

However my friend raised another objection. He said, "Where is the difference between me and Chaudhri Zafrulla Khan? He is a barrister and I am a barrister. He practises in the High Court and I practise in the High Court. Why should any distinction be made between me and Chaudhri Zafrulla Khan?" I repeat that the difference is not in the profession which they practise, but in their outlook, in their mentality, in their sympathies. I will now proceed to refer to concrete instances which will bring out this difference in mentality or sympathies. We have had under discussion for a good number of days the Indebtedness Bill. What side did my friend vote? In spite of the fact that both Chaudhri Zafrulla Khan and Mr. Mukand Lal Puri practise the same profession, in spite of the fact that both are barristers and both practise in the High Court, Mr. Mukand Lal Puri's vote was on each occasion cast against the Bill and the vote of Chaudhri Zafrulla Khan was cast on each occasion when he was present, in favour of the Bill. (*Mr. Mukand Lal Puri*: My vote was cast on the right side.) You seem to be incapable of seeing right and wrong. When the Money-lenders Bill, the Regulation of Accounts Bill, was under consideration in this House, though they were practising the same profession, they voted in different lobbies. Mr. Mukand Lal Puri must have gone to the lobby which was against the Bill and I went into the lobby in favour of the Bill though we two practise the same profession. I will suggest just one or two other things. When the Punjab Land Revenue Act Amendment Bill was under discussion I think Mr. Mukand Lal Puri will remember that Chaudhri Zafrulla Khan gave his vote in favour of exempting the small holding from the operation of the Land Revenue Act and my friend Mr. Puri must have voted against it. (*Mr. Mukand Lal Puri*: No.). Then, he must have

been absent. His leader Diwan Bahadur Raja Narendra Nath did vote against that proposition and so did Rai Bahadur Lala Sewak Ram and Mr. Nanak Chand Pandit. With these words I close my remarks.

Khan Bahadur Malik Muhammad Amin Khan (Attock, Muhammadan, Rural) (*Urdu*): Sir, I take this opportunity to point out to the House and the Government that in the distribution of seats the claims of Attock district have not been given full weight. As you are aware, the population of this district is 511,367 and only three seats have been given to this district which means that for a population of 170,000 one seat has been allotted. But in the case of other districts and particularly in the case of Dera Ghazi Khan and Amritsar districts this basic figure is very low. I need hardly say that my district is much more important from many respects than Amritsar and Dera Ghazi Khan districts. It is situated on the border of the frontier and it has connections with the people in the frontier. Then its inhabitants who are mostly zamindars and poor zamindars have rendered conspicuous services to the Crown not only in this Great War, but even before this War. This district is very well known for its war services and it is second or third so far as these services are concerned in the whole of the province. Besides that, the people of this district are peace-loving and law-abiding. Although the people of this district are war-like and hot-tempered too, they have always maintained very happy relations with their neighbours. Over and above that they have never taken part in the activities of the Congress and Red Shirt Movement or any other such body and they have always remained loyal to the Government. Therefore, in view of these considerations and also in view of its population, Attock district should have been given at least four seats particularly when Amritsar and Dera Ghazi Khan with much less population and having not as many services at their credit as our district claims to have rendered, have been given three seats. I may say that in making this demand I ask only for what is due to us. I do not want any concession for my district. It is a pity that in the presence of our Sir Sikander Hyat-Khan who is admitted to be the right hand of the Government, our claims have been ignored. It is perhaps because he does not want anything for himself that the district, which he represents, is not getting its due, I think it is yet time to rectify that mistake and I hope that my request will not go unheeded. Not giving another seat for our district means that Government is punishing for our loyal and great service. Before I resume my seat I must say that I very much appreciate the work that Nawab Muzaffar Khan has done in the preparation of this Report.

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

Sardar Bishan Singh (Sialkot-cum-Gurdaspur, Sikh, Rural) (*Urdu*): Sir, it would have been better if seats had been distributed on the strength of voters and not on population basis or on the strength of voters and population taken together. However in the proposals before us the claims of Lyallpur district have not been given due weight. Perhaps the House is not aware that out of 17,000 voters in the 18 districts, which formed one constituency, from which Sardar Sant Singh was elected as a member of the Assembly, 7,000 voters live in one district alone that is, Lyallpur. This shows the importance of the district. Another important consideration is that the Lyallpur district pays one-fifth of the total revenue that comes

[Sardar Bishan Singh.]

to fill the coffers of the Government from the whole of the Punjab and this again shows the special importance of this district. But it is a pity that it has been given only two seats. Similarly the Amritsar district has not been fairly treated although it is a centre of the Sikh religion as well as the centre of learning apart from its being a trading centre.

Ferozepore has a population of 373,772 and Amritsar 363,854 and the difference of about ten thousand has made a difference of one seat which is unfair to Amritsar considering its importance as mentioned above. Ferozepore being backward in education Amritsar should have got one more seat or at least alternately portions of both districts should be formed into a separate constituency. These are the two grievances which I wanted to give vent to on behalf of the Sikh community and I hope that efforts will be made to redress these grievances.

Mr. C. C. Garbett (Chief Secretary): Sir, the honourable member who has just sat down referred to the distribution of votes in the district of Attock and also paid his compliments to those who had framed this Report. I should like the House to know that as very prominent members of this House were personally concerned with the constituencies in the Attock district, the Government paid me the compliment of asking me, who as you all know have considerable experience of that district, to suggest the constituencies, and the constituencies which are before the House were suggested by me without respect to persons. I think it particularly sporting of the honourable member who has just spoken to have refrained from all criticism of my proposals because acting as I had to act on principles, I know that I have affected very seriously his personal prospects. He happens to be the representative of a very big tribe which lives right down in the south of the district, while he himself lives in the north. I, of course, acted strictly according to principle and could not but leave him separated from his main supporters. I do not wish to take the time of the House any more, but I think it only right and proper that the House should know that those particular constituencies were proposed not by honourable members who are themselves concerned with the district, but by this humble servant of Government and yourselves (*hear, hear*).

Professor W. Roberts (Non-official, nominated): I wish to support the remarks made by Mr. Mukerji in regard to commercial seats. It seems to me that in a House of nearly 200 members with only one commercial seat it is important that election should be on orthodox lines. Big commercial centres like Bombay and Madras and Calcutta and even Cawnpore have been voting in such a way for many years. They rigidly follow system of elections through associations and I think that a very dangerous precedent is being embarked upon in this province by proposing an indefinite electorate which may consist of companies with Rs. 25,000 paid up in addition to three associations. The only other point that I want to make is with regard to the European seat and that is to plead for a postal vote. It would be very difficult indeed for an election of one member in the whole province to work on the ballot system. If you cannot accept that then I suggest that the combination of the ballot and the postal votes may be taken in this way that in the districts other than 8 important centres voting may be allowed by postal arrangement and in these centres by ballot. Thirdly

if you cannot accept either of these then I suggest that voting centres should be opened in all district headquarters as well as in cantonments.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : I want to reply very briefly to some of the criticisms of my friend, Chaudhri Chhotu Ram. The last remark made by the honourable member was to inquire what the occasion was to talk of the Punjab Alienation of Land Act here in this debate. The honourable Chaudhri Sahib deceives himself or tries to put a different version of the whole affair before others. This was really the chief reason. The arguments which he has put before us here were put forth by him before the Committee presided over by Lord Lothian. Arguments were put forward on the basis of population and taxation and so on and so forth, and the Honourable Lord's Committee was investigating means and methods by which 50 per cent. population of the Punjab, namely, the non-agricultural population could be brought on the electoral roll in proportion to their population strength in the province. This principle was accepted that the non-agricultural population of the province which formed 50 per cent. of the province, (*The Honourable Captain Sirdar Sir Sikander Hyat-Khan* : Question. That has not been accepted by anybody) should be equally reflected not only in the electorate but in the Punjab Legislative Assembly of the future. This was the reason why in paragraph 65 of the Report, Lord Lothian made certain comments that the Punjab Land Alienation Act gives social and economic advantages to the members of the agricultural tribes, therefore the political predominance cannot be made over to them in the Punjab. The honourable member asks, what is the harm if these people are represented in the Punjab Legislative Council of the future to the extent of 75 per cent. or 80 per cent. ? The harm was perceived by Lord Lothian Committee and it is this. The Punjab Government is run mainly by the income that is got from land and if 75 per cent. or 80 per cent. members of these tribes are here in the Council and there are only 20 per cent. on the other side, there would be a danger of financial breakdown, there would be a crash, they would try their utmost to see that land revenue and *abiana* or water-rates are reduced to the lowest limit. That was the harm which was likely to occur and therefore it was pointed out that this disparity which is existing on the electoral roll and which is likely to be reflected in the Assembly of the future should be done away with. If the honourable member were to read the cross-examination under which I was put by Lord Lothian before the Joint Parliamentary Committee and which is on the last pages, he will find that this very idea was prominent in the minds of the noble Lord when he put question after question on this point. My apprehension was that this party would form a party which would clamour for more privileges. You saw how they have been wanting that electricity be given to them at concession rates, that posts be given to them everywhere not on merit but because of their being agricultural tribes. Therefore the principle that should be accepted is, that non-agriculturists should be represented to the extent of 50 or 55 per cent. of the population. It does not lie in their mouth to say that there should be representation on the basis of taxation. It would be a very strange thing if on the one hand you were to say that a certain section of the people cannot purchase land and on the other you were to say that those who pay more land revenue and water rate should have more representation. I would, therefore, respectfully submit

[Mr. Nanak Chand Pandit.]

to Government not to be carried away by the arguments of the other side, but frame the constituencies in such a manner that at least the electorate should be so formed that 50 constituencies are capable of returning non-agricultural members, and in the other agricultural tribes predominate. There is one other very important matter. Here you find rural and urban divisions. But what is urban in the United Provinces is not urban in the Punjab. In the United Provinces towns are those which have a population of 50,000 or more. Here, overweighted as the Punjab Government is by the members of the agricultural tribes, they have lowered down the limit of a town to 7,500. As my friend pointed out there should be one to two seats for the so-called urban members, members living in Lahore, Amritsar, etc., and all others should be territorial constituencies and the result would be that there would not be such a great disparity as exists now. I do not know the reason why we should not follow the United Provinces system. Then the most important thing that the honourable friend from Rohtak says is "look at the outlook of Pandit Nanak Chand. I am a supporter of the rights of the rural people, Pandit Nanak Chand is an urban man." Chaudhri Chhotu Ram went himself to my constituency and he wanted to teach those rural people that they should not vote for me and now he accuses me of anti-rural bias. It is time that he should realise that in rural areas it is not only the members of agricultural tribes who live, but people who are members of non-agricultural tribes. There are members of depressed classes and others also live and they really have the same outlook as those who sit on these benches. Therefore the word rural is not confined to members of zamindar tribes only. I, therefore, would respectfully submit to the Government that they must follow the spirit of the recommendations made in the Lord Lothian Committee Report. You will see that they have tried to show the danger in placing the political predominance of the Punjab Land Alienation Act though they could not modify these because it is only the legislature in the Punjab which can modify it; but the main thing is that the population of the agricultural tribes and non-agricultural tribes should be reflected in the Punjab Assembly in the same proportion as it is in the population. I, therefore, submit that this devise of giving 9 seats is also entirely unfair. There should be 50 seats marked out amongst the whole province for non-agricultural tribes and others for agricultural tribes and this should be reflected among the Hindus, Sikhs and Muslims.

Khan Bahadur Nawab Muzaffar Khan (Reforms Commissioner) :

I must thank the honourable members for the kindness with which they have considered the scheme of mine. I am most grateful to the members of the Franchise Committee. They worked day and night and sometimes in the evening during the hot weather. In particular I want to thank Mrs. Chatterjee who was one of the few members who always remained above communalism and discussed questions on principle and from a broad point of view.

No wordly scheme can be perfect and I do not claim perfection for this scheme of delimitation of constituencies now before the Council. There may be drawbacks here, there may be drawbacks there. Objections have been raised with regard to certain districts. I should say that in every case

where tahsil boundaries had to be shut the deputy commissioners were consulted and the constituencies were delimited in consultation with them.

The main question that concerns the Hindus is the division between urban and rural areas. This question was thrashed out and discussed at great length, and I was glad that after a long discussion I thought we had come to a certain arrangement. The honourable member Mr. Puri who now objects to this division on the basis of 7,500 and 10,000 did not raise the slightest objection to the decision at the Committee. We had to draw the line somewhere and we did draw the line here after my careful consideration. With regard to the delimitation of the various constituencies, the question was not decided by me personally but by Government in the first instance and then considered by the Franchise Committee. It was really in accordance with the decision of the Committee that I had to delimit the several constituencies. With regard to the objection of the honourable member, Mr. Puri, that we should delimit the constituencies in such a way as to bring in a certain number of statutory agriculturists and a certain number of non-agriculturists, I think it is impossible. I would challenge the honourable member to delimit constituencies on that basis. All that we can do is, to lower down the franchise so as to bring in a large number of non-agriculturists on the rolls; and we have done that as far as it was possible to do. The point was raised by the honourable member, Pandit Nanak Chand, both in India and at the Round Table Conference in England and the Secretary of State was anxious and so was the Punjab Government to meet that point of view. I think there is something wrong about the actual figures given by the honourable member, Pandit Nanak Chand. It is true that fifty per cent. of the population of the Punjab is non-agriculturist and fifty, agriculturist. But the honourable member must also recognise that we have done our best to bring in as many non-agriculturist voters as possible both in the urban and in the rural areas. Take for instance the total number of rural voters; out of 2,056,000 our estimate is that 591,000 are likely to be non-agriculturists. Then again among the urban areas our estimate is, that out of a total of 225,000 we expect 67,500 to be agriculturists and 157,500 to be non-agriculturists. Again take the literacy qualification which the honourable Pandit Sahib should admit is more among the urban than the rural areas and our estimate is, that among 85,000 women literates we will have about 21,250 agriculturists and 63,750 at least non-agriculturists. As regards the general education qualification, we will have about 2 lakhs of electors registered on the primary school examination qualification. We expect that out of this, there will be 66,700 agriculturists and 133,300 non-agriculturists. The honourable member has also ignored the fact about the depressed classes. We must remember that with the exception of perhaps one or two tribes, they are all non-agriculturists. They will come on the roll of Hindu voters and the number so far as we could estimate will be about 3,700 agriculturists and 137,100 non-agriculturists. Apart from these, in order to meet the wishes of the Indian Franchise Committee and to meet the objections of our own Committee, we have taken down the limits of profession tax to the very lowest rung of the ladder and anyone who pays Rs. 2 as direct tax to the district board or municipal committee will be registered as a voter. We could not possibly go beyond that. It should again be noted that it would be open to the electorate to elect whomsoever it chooses. My honourable friend him-

[K. B. Nawab Muzaffar Khan.]

self, I refer to Pandit Nanak Chand, is representing a rural constituency in this Council and he is a non-agriculturist. As the honourable member, Chaudhri Chhotu Ram pointed out there are various other constituencies like the University, Labour, Commerce and others which do not ordinarily return agriculturists. If any of them sends an agriculturist member, so much the better. We cannot bind any constituency as to whom it should send. All that we can do is, as I have already said to extend the franchise and Government has done its best in this direction. It is impossible for anyone, for any Government to have gone farther in the matter.

As regards the claims of the various districts and divisions instead of replying to the honourable members individually I shall confine myself to the general principles on which the constituencies were delimited. The Ambala division has been prominently mentioned. With regard to the distribution of seats I have my sympathy with the Ambala division but I should say that I have done my best to meet the wishes of the people of that area. The division is entitled to 10 seats on population basis that is if we took into consideration the population district by district. But for the population as a whole the division is entitled to 11 seats and it has been given 11 seats. Taking the province as a whole I admit that a certain weightage has been given to urban areas. I have no justification in its favour except that urban areas are a little advanced in education. On population basis they were entitled to six seats. They had already seven seats and in order to give them a share in the general increase I allowed them one extra seat. But it will be observed from the note that the question will be referred to the Government of India and all the objections that have been brought forward will be placed before the Government of India and I do hope that the required number of seats would be secured. Another very important question regarding the definition of Europeans and Anglo-Indians has been raised by the honourable lady member, Dr. Shave. She has my fullest sympathy but she must remember that we have also our difficulties. On the one hand it is said that there should be a clear descent on both the father's and the mother's side, and it is urged that all such persons irrespective of the length of domicile, should be declared to be Europeans, while on the other it is insisted that Europeans who have made India their home should be counted amongst Anglo-Indians. This is an all-India question. In the Punjab the question of definition of Europeans and Anglo-Indians for election purposes had not arisen till now. I, therefore, consulted the definition adopted by Bengal, Madras and Bombay. The definition given in the Electoral Rules relating to those provinces is not quite clear but I believe the idea underlying this definition is to treat every child or grand child of clear European descent born in India as European and beyond that degree as Anglo-Indian. It is as I have already stated an all-India question and the honourable lady's points would be forwarded to the Government of India. The question I assure her will be considered very carefully.

As regards the dispute between Muslim seats of Dera Ghazi Khan, Jhang, Amritsar and Sialkot, we have as already submitted proceeded on the basis of population. Many objections have been raised against this procedure. At the present juncture in the absence of an electoral roll we could not proceed on any other basis. The Indian Franchise Committee,

I think, was of the opinion that voting strength should be taken into consideration. I cannot commit Government to any policy—having no power to do so—but as far as I could gather from the Report of the Indian Franchise Committee voting strength will be considered. In order to find out how far voting strength would affect our decisions we did calculate on the combined basis of voting strength and population in the case of certain non-Muhammadian constituencies. We took a rough estimate of the voting strength on the basis of the future franchise and found that according to their estimates, with the wide extension of franchise the difference was not likely to be very much. It might affect a few districts. If honourable members had gone through the papers that were supplied to them some time ago they would have noticed that in the case of non-Muhammadian constituencies we had given the percentage of voters. If honourable members would now glance at statement D at page 25 of the Franchise Committee's Report they would find that with regard to each district we took into consideration the rough figures of voters. There has not been the difference of one seat in the case of a single district as far as I can glance through the figures. Take the case of Hissar. We have allotted three seats. According to population Hissar is entitled to 2.49 and according to voting strength 2.68 and the average is 2.58 that is 3 seats. Then again Rohtak is entitled to 3.49, just below four seats by .01. I must repeat that the figures were very rough figures and they may be wrong in some cases as there is bound to be overlapping. Turning to the four Muslims districts, Amritsar, Sialkot, Jhang and Dera Ghazi Khan Government proceeded on the basis of population. We did not take into account the voting strength. I believe Government will take that also into consideration at a later stage. If we allot 2 seats each, to Amritsar and Dera Ghazi Khan and 3 seats each, to Sialkot and Jhang, it will be observed that the surplus in the case of the first two districts is larger than in the other districts. The two seats were therefore given to Amritsar and Dera Ghazi Khan.

Another point that was made related to the tumandar seats. The honourable member Sayad Mubarak Ali Shah has pointed out that tumandars had been given a seat and that, therefore, Dera Ghazi Khan should not be given another seat. The tumandars, it must be remembered, represent special interests and it is because of the political importance of tumandars and because they also represent certain tribes beyond the border that they were given the tumandari seat. I do not think that that seat should in any way affect the general constituencies or the general arrangement of seats. It is open to any district to snatch away the remaining landholders seats but on that account we have no right to deprive that district of one of the general seats.

With regard to my own particular district, I think I am in the same position as the other members and I put forward my claim for another seat. I speak not as Reforms Commissioner now but as a humble petitioner from Attock district. I am most grateful to Mr. Garbett for the pains he took in delimiting the Attock constituencies. Although he has scattered my tribe in all the three constituencies allotted to the district I have no complaint to make, because after all he has proceeded on certain principles. The Honourable Revenue Member accepted it in a sportsmanlike spirit. I have nothing more to say except that I would support in this case my

[K. B. Nawab Muzaffar Khan.]

honourable friend Malik Muhammad Amin and press the case of my own district and request you to give us another seat. But where are all these seats to come from? So I hope you will put up with what we have done. We have done our best. I am sorry I could not give the Hindus a greater share in the general increase of seats because we had to allot eight seats to the depressed classes. That has naturally affected the distribution and it was on that account that I had to usurp a seat from the rural area.

Mian Nurullah : What about Lyallpur?

Khan Bahadur Nawab Muzaffar Khan : I agree that certain areas have been added to it recently and I think the honourable member's objections appear to be valid. We will examine them and again consult the deputy commissioner and see what he has to say about the matter.

The Council then adjourned till 2-30 P.M., on Friday, 21st December, 1934.

PUNJAB LEGISLATIVE COUNCIL.

4TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Friday, 21st December 1934.

The Council met at the Council Chamber at 2-30 P.M. of the clock. Mr. President in the chair.

PUNJAB RELIEF OF INDEBTEDNESS BILL.

Mr. President : Gentlemen, the amendments recommended by His Excellency the Governor to the Punjab Indebtedness Relief Bill as passed by this Council have already been circulated. Now the Council will proceed to consider them one by one.

Lala Bhagat Ram : (Urdu). Sir, you were pleased to say yesterday that a few minutes will be given to me to express my views on the Franchise Committee's Report. Have I your permission to say a few words ?

Mr. President : Government had allotted only one day for discussion of the Franchise Committee's Report. The Government meant, of course, one working day and that day is over. If Government is prepared to allot further time for discussion of the Report, I shall have no objection.

Mr. Mukand Lal Puri : Sir, did not we decide yesterday that a short time say 15 to 20 minutes will be allotted to the Report ? To-day Raja Sahib and some other members of my party, might have kept away thinking that the first half-an-hour or so would be devoted to that Report. Nobody wishes on the last working day to sit any longer than he can possibly help and certainly it is not my wish after having come back from the High Court after finishing my work to feel that I shall have to sit during the Christmas holidays for the Indebtedness Bill. But I believe there was some kind of understanding that these two gentlemen will be given time to discuss this matter to-day.

Clause 5.

Mr. President : The first amendment recommended by His Excellency is—

That clause 5 (iv) be omitted and in its place the following be substituted—

“ 5 (iv) To sub-section (2) the following clause shall be added—

- (e) The court shall deem interest to be excessive if on secured loans it exceeds twelve per centum per annum simple interest or nine per centum per annum compound interest with annual rests and if on unsecured loans it exceeds eighteen and three-quarter per centum per annum simple interest or fourteen per centum per annum compound interest with annual rests : provided that the court shall not deem interest in excess of the above rates to be excessive if the loan has been advanced by the Imperial Bank of India or any banking company registered under the Indian Companies Act, 1913, or any law relating to companies for the time being in force in British India.”

Mr. Mukand Lal Puri : Sir, can we at all move amendments to the recommendations of His Excellency the Governor ? That is a point for you to decide.

Mr. President : If the honourable member does not wish to move his amendments, he may not move them.

Mr. Mukand Lal Puri : Is it not the constitutional position that amendments suggested by His Excellency have either to be accepted in their entirety or rejected and that any amendments of those recommendations are not open to discussion by this House ? I am merely asking for a ruling on this point.

Mr. President : The point raised by the honourable member is not free from doubt ; but I am inclined to hold that amendments recommended by the Governor can be modified or amended by the Council.

Under clause (1) of section 81-A of the Government of India Act, where a Bill has been passed by a local Legislative Council, the Governor may, return it to the Council for *reconsideration*, either in whole or in part, together with any amendments which he may recommend. The word *reconsideration* means to consider again with a view to changing or amending the whole or part of the Bill, in the light of amendments recommended by the Governor. It is open, therefore, to the Council to make such changes or amendments as it may deem proper to make after examining and scrutinizing the Governor's amendments. In other words, it may accept or reject every amendment suggested by the Governor. And if I am right so far, that is to say, if the Council can accept or reject each of the recommended amendments in its entirety, it follows that it can accept or reject each of those amendments even partially, inasmuch as, power to accept or reject the whole includes the power to accept or reject a part. Again, the acceptance or rejection of an amendment in part is, to all intents and purposes, its modification or amendment. It follows, therefore, that the Council can amend the Governor's amendments.

Again, if the object of section 81-A was that the amendments recommended by the Governor should be accepted by the Council without any alteration or modification, nothing could have been easier for the framers of the Act than to say so expressly and in so many words. In that case the word *reconsideration* should not have been used in sections 67 (4) and 81-A of the Government of India Act.

Further, under section 81-A (2)—

- (a) The Governor may return the Bill for further consideration by the Council with a recommendation that the Council *shall consider amendments* thereto ; and
- (b) after any Bill so returned has been further considered by the Council together with any recommendations made by the Governor relating thereto, the Bill, if reaffirmed *with or without amendment*, may be again presented to the Governor.

The expression *shall consider amendments* in sub-clause (a) and the expression *with or without amendment* in sub-clause (b) go a long way to support the view that amendments recommended by the Governor are not to be accepted by the Council necessarily without any modification or amendment.

If the aforesaid reasoning and conclusions are not convincing, that is to say, if the matter is still doubtful, I would give the benefit of the doubt to the Council and not curtail its power to amend the Governor's amendments, unless the law expressly divests it of that power.

Mr. Mukand Lal Puri (Punjab Industries): Sir, I move the amendment which stands in my name—

That in clause 5, new sub-clause (iv), for the words "twelve" "nine," "eighteen and three quarter" and "fourteen" the words "fifteen," "twelve," "twenty-four" and "eighteen and three-quarters" respectively, be substituted.

Mr. President: At this stage, the honourable member can only move his amendment about the word "twelve," because some amendments have to be taken up later. If all these are taken up now as one amendment, certain amendments shall be excluded.

Mr. Mukand Lal Puri: I have no desire to split up my amendment and I may give my reason.

Mr. President: It is not a question of the honourable member's desire. It is a question of procedure. If I allow the honourable member to move his amendment, as it stands, certain other amendments will have to be ruled out as too late. Take, for instance, the amendment: "That the words 'twelve per centum per annum simple interest, or,' in line 2, be omitted." If I allow the honourable member's whole amendment, as it stands, that amendment will become barred, because it relates to an earlier part of the clause.

Mr. Mukand Lal Puri: That would practically render my amendment useless as the various provisions stand or fall together. I do not wish to propose the amendment about the word "twelve" if I am not allowed to move the remaining portion of the amendment along with it. My amendment is specific and I submit that it cannot be split up as suggested by the Chair and I do not propose to do so, as the various parts are interdependent.

Mr. President: Does not the honourable member wish to move his amendments one by one?

Mr. Mukand Lal Puri: No, Sir, not under the circumstances.

Professor W. Roberts (Nominated, non-official): Sir, I beg to move—

That in clause 5, new sub-clause (iv), the words "twelve per centum per annum simple interest, or," in line 2 be omitted.

The reason why I move this amendment is that in my opinion the disparity between simple interest rates and compound interest rates proposed by Government are impractical. They appear to be based, as far as I can make out, on the fact that if the debtor pays nothing of interest until the loan is doubled, it is then only that these two rates can come together and equalise. In other words Government is proposing absolutely impractical rates which only at one particular time during the currency of the loan can equal one another. I see no reason why Government has any particular liking for simple interest in preference to compound interest or compound interest in preference to simple interest. I, therefore, suggest this as a way out of our difficulty, that is, to make the rates of interest as uncomplicated as possible and confine the difference to that of secured and unsecured loans only. I am assuming I will be able to speak later on the three other portions of my amendment.

Mr. President : Clause under consideration, amendment moved—

That in clause 5, new sub-clause (iv), the words " twelve per centum per annum simple interest, or," in line 2 be omitted.

The Honourable Mr. D. J. Boyd (Finance Member) : It will be remembered by the House that when this Bill emerged from the select committee, it emerged without any reference to compound interest at all. Now the honourable member opposite proposes to go to the other extreme and abolish simple interest. I admit perfectly frankly that in the dealings between the village money-lenders and village debtors normally compound interest is the rule and simple interest very seldom enters into the calculation at all. But it is possible that there may be cases where simple interest is charged and we have to cater for those cases. That is the reason why we have provided for it. I may also submit that 12 per cent., though it may seem fairly high, is not excessive.

Mr. President : The question is—

That in clause 5, new sub-clause (iv), the words " twelve per centum per annum simple interest, or, " in line 2 be omitted.

The motion was lost.

Mr. President : Are not the remaining amendments¹ to the clause, of which Professor Roberts has given notice, dependent upon the motion which has just been turned down by the House ?

Professor W. Roberts : These amendments are interdependent no doubt, but I have not put up the whole case before the House. I shall do so now by moving the other amendments irrespective of whether the House accepts them or not.

Mr. President : The honourable member had an opportunity of putting his case before the House when he moved his first amendment.

Professor W. Roberts : I was asked to move only the first amendment.

Mr. President : In substance these amendments are interdependent and, therefore, the honourable member has no right to make a second speech.

Mr. Mukand Lal Puri : It was decided to deal with these amendments piecemeal and so the discussion also must be piecemeal instead of a general discussion on all the amendments. You practically ruled me out on that ground, when I wanted to move the first amendment standing in my name and now Mr. Roberts is being prevented from discussing them separately.

Mr. President : There seems to be some misunderstanding which I would like to clear up. The point is : Had the honourable member himself moved only one amendment, i.e., for figure " 12 " another figure be substituted, he would have been in order to discuss the whole clause, and afterwards the other amendments, when their turn came, would have been put to the vote of the House without any further speech or discussion.

¹In clause 5, new sub-clause (iv)—

- (i) the words " simple or " be added before the words " compound interest " in line 3 ;
- (ii) the words " eighteen and three-quarters per centum per annum simple interest or, " in lines 4 and 5, be omitted ; and
- (iii) the words " simple or " be added before the words " compound interest " in line 5.

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muham-madah, Rural): Sir, I move—

That in clause 5 (iv), new sub-clause (e), for the word "twelve," the word "ten" be substituted.

Mr. President: In view of the fact that an amendment to a later part of the clause (I mean Professor Robert's amendment) has been moved, it is not open to the honourable member now to move an amendment to an earlier part of the clause.

Kanwar Mamraj Singh Chohan: I move my next amendment—

That in clause 5 (iv), new sub-clause (e), the words "or nine per centum per annum compound interest with annual rests" and "or fourteen per centum per annum compound interest with annual rests" be omitted.

(Urdu): Sir, I beg to point out that this compound interest is just like a disease which proves very dangerous to society. It ruins the poor people who are by force of circumstances compelled to contract debts. I admit that when they borrow money, they do so with open eyes and with their senses about them. But at that time they do not feel or realise that this compound interest on the money borrowed will cause their ruin. This realisation comes only when the money is demanded with compound interest or when it is to be paid.

The Honourable Mr. D. J. Boyd: Is the honourable member in order to discuss the omission of compound interest when the House has already decided that it should not be omitted?

Mr. President: His Excellency has been pleased to send down this clause, as it is, for the consideration of the House, so the honourable member is entitled to discuss it.

Kanwar Mamraj Singh Chohan: For the reason that I have already given, I want that this compound interest should be done away with. With these words I commend my amendment for the acceptance of the House.

Mr. President: The question is—

That in clause 5 (iv), new sub-clause (e), the words "or nine per centum per annum compound interest with annual rests" and "or fourteen per centum per annum compound interest with annual rests" be omitted.

The motion was lost.

Mr. Mukand Lal Puri (Punjab Industries): I beg to move—

That in the new sub-clause (iv) of clause 5, the word "banking," in line 8, be omitted. . Shall I confine myself to this amendment only or shall I move the next amendment also now?

Mr. President: Both the amendments may be moved and discussed together. They will, however, be put to vote separately.

Mr. Mukand Lal Puri: I also move—

That in the new sub-clause (iv) of clause 5, between the words "banking" and "company," in line 8, the words "or insurance" be added.

You will remember, Sir, that when the Bill was last before this House, I asked the House to consider the question of exclusion of insurance companies from the purview of certain parts of the Bill from which the co-operative and commercial banks had been excluded. Now that His Excellency the Governor has been pleased to refer the new clause for the consideration of the

[Mr. Mukand Lal Puri.]

House, I ask the House to consider again whether it is not desirable to extend the same privileges to insurance companies which the House has been pleased to extend to joint stock and co-operative banks. I contend, Sir, that every reason which applies to the exclusion of joint stock and co-operative banks applies *a fortiori* to insurance companies. Their accounts are subject to regular audit as the accounts of any joint stock banks. They render most useful service to the community by inculcating habits of thrift and saving and are much more helpful to industry than the banks. Now the joint stock commercial banks usually give short term loans, while the insurance companies can, by reason of their peculiar position, invest money on long term loans. Therefore they are in a position to help industry in a much more effective manner than the joint stock banks. It must be known to several members of this House that the local companies, that is, the Punjab companies, have invested a great deal of their capital in encouraging the industries of this province. In fact, a great deal of capital has been advanced during the last two years by the Punjab companies on the security of immovable property in Lahore which has ultimately been invested in establishing sugar factories in the United Provinces. Therefore insurance companies render far greater service to the public and the community than the joint stock banks. The joint stock banks usually get deposits from richer classes of people, while the money that the insurance companies possess usually belongs to middle classes and, in fact, to lower middle classes, to which class their policy holders belong. Therefore, as I have already said every reason which applies to the exclusion of the joint stock banks from certain provisions of this Act applies *a fortiori* to the insurance companies. Further, my chief reason for putting this proposition again before this House is the comparative disadvantage at which you place the Punjab companies as against the Indian Insurance Companies whose head offices are not in the Punjab. The Indian companies working in the Punjab and which do a great deal of business in the Punjab like the Oriental, the Empire, and New India, have their head offices in Bombay. Certain Bengal companies which secure extensive policy business in the Punjab have their head offices in Calcutta. All their capital is invested in Bengal, Bombay and other places in India where you have not got such irksome restrictions as are being imposed by the Punjab Indebtedness Bill. If you do not exclude the insurance companies from the operation of this Bill, you will be placing the Punjab companies, in the choice of their investments, at a considerable disadvantage as compared with other Indian and foreign companies which have got their head offices and fields of investment elsewhere. Again, it is a matter for serious consideration whether such a legislation might not compel these companies to make their investments in other provinces instead of confining themselves to the Punjab, as they ought to do in the interests of this province. This might deprive this province of a good deal of productive capital which is now available for investment in industry and trade and it is not a matter which should be treated lightly or of which the House ought not to take serious note. It is a matter for genuine congratulations that the Punjab companies are doing very well, and are holding their own against others. They have their head offices at Lahore but have their sub-offices in all other parts of India and they will naturally be tempted,

if they find lucrative investment elsewhere, to invest their money in other provinces, where they have not got the irksome restrictions which are being imposed by the present Bill and from which the commercial banks and the co-operative banks have been quite rightly excluded. Therefore, I would respectfully submit that for the sake of consistency, if for nothing else, the insurance companies ought to be excluded. Further, there is no reason which I can think of justifying the exclusion of joint stock banks which would not equally apply or apply in a much greater degree to the exclusion of insurance companies. It would be ridiculous, if I may be permitted to say so, that if a long term loan is made by the banking department of an insurance company, the courts should be called upon to hold it usurious, while if it is made by the Imperial Bank or any other joint stock bank or even a mushroom bank which might be started to-morrow—because nobody is prevented from opening a joint stock bank with a capital of say Rs. 10,000 only—at a higher rate, the courts would be bound to enforce it. I, therefore, place this matter before the House for serious consideration, as the matter is not only equitable and proper, but it is necessary in the interest of protecting Punjab industries and local institutions.

Mian Nurullah : May I know what percentage of funds of the insurance companies are invested with the zamindars ?

Mr. Mukand Lal Puri : Neither the funds of joint stock banks nor the funds of insurance companies are, as a rule, invested with the class that is referred to. But the provisions of the Usurious Loans Act and the provisions of the conciliation boards, as enacted by this Bill, are of a general application and affect every member of the community except those which are specifically excluded. The joint stock and co-operative banks are excluded from the operation of conciliation boards and the part relating to the Usurious Loans Act. I contend that the same privilege should be extended to insurance companies. As a matter of fact, every insurance company has a banking department in addition to the insurance department. No one has ever alleged that the insurance companies have ever lent on usurious rates of interest or that they have ever been guilty of any irregularities which the Punjab legislature should aim at curtailing—I beg to submit that this is really a case of accidental omission and very likely, if it had been suggested at an earlier stage, Government would have had no objection to their exemption. But, as it was suggested at a stage when Government had actually formulated its amendments, Government like every one else did not like to have its proposals tinkered with and to have other exceptions added. No conceivable harm would be done to any one by the acceptance of my proposals. Neither zamindars nor non-zamindars can possibly suffer, if my suggestion is adopted. I commend either of my two amendments for acceptance to the House.

Mr. President : The two amendments of which notice has been given being identical in effect, I propose them together.

In the new sub-clause (ic) of clause 5, the word " banking ", in line 8, be omitted.

In the new sub-clause (iv) of clause 5, between the words " banking " and " company ", in line 8, the words " or insurance " be added.

The Honourable Mr. D. J. Boyd (Finance Member): Sir, I am sorry that I cannot accept this amendment on two grounds at any rate. The first is that, if I remember rightly, the House has already declared its opinion upon the question of exempting insurance companies from the section in question. The second is that insurance companies are not mainly concerned with the financing of agriculture or of small debtors. Banks may very possibly advance loans to small debtors. It is very doubtful if insurance companies are going to do so. I do not think it wise to re-open the whole question at this late stage and start a re-consideration of the Bill afresh. There is also a remedy. If it does appear that in practice insurance companies are being hit by this clause, then as a result of experience Government will be able to give them relief, because under sub-section (8) of section 1 of the Usurious Loans Act it is possible for Government to exempt any person or class of persons or, I think, any class of transaction, from the operations of the Act. That can be done by a simple Government notification, so that the remedy is ready at hand and if experience shows that it has to be used, I have no doubt that Government will be ready to do so. I do not give any undertaking of any kind, but the remedy is there and its use will certainly be considered if experience shows that it is necessary.

Mr. Mukand Lal Puri: The Honourable Finance Member has told the House that insurance companies are not likely to advance to agriculturists.

The Honourable Mr. D. J. Boyd: Small men.

Mr. Mukand Lal Puri: My contention before you is that the commercial banks, the Imperial Bank, the Iloyds Bank, the National Bank of India, whom you have excluded, do not advance to agriculturists. I make bold to say that none of these joint stock banks, these English banks, ever advance any money to any agriculturist. In fact they are mostly confined to financing commerce.

The Honourable Mr. D. J. Boyd: Do you want to exempt banks by name?

Mr. Mukand Lal Puri: The reason for non-exclusion of the insurance companies given by the Honourable Finance Member, namely, that they do not advance money to agriculturists and, therefore, it is unnecessary to exclude them, is not sound. I invite the House to give due thought to the merits of the proposal. Sir, what has this reason to do with the modification of the Usurious Loans Act from which the banks have been excluded? The Usurious Loans Act is not confined to agriculturists. The Usurious Loans Act applies to every member of the community whether he is an agriculturist or not. Therefore the fact that these companies do not lend to agriculturists is no reason for their non-exclusion. In fact, this should rather have been a reason for excluding them, because what the council has been attempting to do is to provide means of giving relief to agriculturists. If the insurance companies do not lend to agriculturists, they should not be hampered by any restrictions. Again, there is no reason why an insurance company should be treated differently from other credit institutions, well recognised credit institutions, like the commercial banks and the co-operative societies. I wish to bring to the notice of the House

that the insurance companies are more likely to invest small sums with agriculturists than these commercial banks are ever likely to do. In fact, that is a kind of investment which is peculiar to the insurance companies, in which all classes are likely to be included. The policy-holders of insurance companies are not only derived from commercial classes, from people living in towns, but they belong to all classes and communities, members of notified agricultural tribes and people who are agriculturists in the real sense of the term and others. Most of these insurance companies lend to their policy holders on the security of their policies and, therefore, the reason given by the Honourable Finance Member that only those persons should be excluded who are likely to invest with agriculturists applies much more to the insurance companies than to the joint stock companies or commercial banks, because loans to policy-holders would include loans to agriculturists. I only wish that Government had not taken its stand upon a frame of mind which is peculiar to Governments, that is, if they have taken one attitude they should stick to it under all circumstances. I would have congratulated the Government and I would have congratulated the Honourable Finance Member, if he had exhibited more often this attitude which he is exhibiting now, with respect to my amendments. When the opposition comes from powerful people, at that moment Government changes its attitude not only from week to week but from day to day and from hour to hour. The House has seen how at the dictation of the debtor classes a sound position once taken by the Government has been abandoned from hour to hour and from minute to minute, but when even a reasonable proposal is put forward by people who have not got the one thing that carries conviction with Government, the Government says well, this matter has already been decided by the House and Government officials, howsoever highly placed—and no one is more highly placed than the Honourable Finance Member—say that they cannot do it. Who is Puri, they say, who is Narendra Nath who dare make a representation to His Excellency to make any change in a proposal which has once been drafted by or agreed to by him, howsoever reasonable the representation might be?

Chaudhri Allah Dad Khan : I think the honourable member cannot discuss the conduct of any other honourable member.

Mr. President : I hope the honourable member will not be personal.

Mr. Mukand Lal Puri : The Honourable Finance Member wanted to reinforce his argument by the fact that they had once taken that attitude and that is the last word. Well, I submit that had that been his usual frame of mind with respect to many proposals which he himself at one time considered as quite unreasonable and which he subsequently had to accept—

Mr. President : The honourable member need not repeat.

Mr. Mukand Lal Puri : Therefore I submit that the attitude of the Government is most unreasonable in this instance and is only illustrative of the general attitude of hostility, which the Government has displayed towards proposals emanating from us.

Mr. President : Question is—

That in the new sub-clause (iv) of clause 5, the word "banking" in line 8 be omitted.

The motion was lost.

Mr. President : Question is—

That in the new sub-clause (iv) of clause 5, between the words "banking" and "company," in line 8, the words "or insurance" be added.

The motion was lost.

Mr. President : The motion is—

That clause 5 (iv) be omitted and in its place the following be substituted :—

" 5 (iv) To sub-section (2) the following clause shall be added—

- (e) The court shall deem interest to be excessive, if on secured loans it exceeds twelve per centum per annum simple interest or nine per centum per annum compound interest with annual rests and if on unsecured loans it exceeds eighteen and three-quarter per centum per annum simple interest or fourteen per centum per annum compound interest with annual rests provided that the court shall not deem interest in excess of the above rates to be excessive if the loan has been advanced by the Imperial Bank of India or any banking company registered under the Indian Companies Act, 1913, or any law relating to companies for the time being in force in British India."

The question is that this recommended amendment stand part of the Bill.

The motion was carried.

Clause 7.

Mr. President : The next amendment recommended by His Excellency is—

That in clause 7, sub-clause (2) containing the definition of "debtor" be omitted and the following sub-clauses be substituted in its place and that sub-clause (3) be renumbered as (4) :—

- (2) "Debtor" means a person who owes a debt and—

- (i) who both earns his livelihood mainly by agriculture, and is either a landowner or tenant of agricultural land or a servant of a landowner or of a tenant of agricultural land; or
(ii) who earns his livelihood as a village menial paid in cash or kind for work connected with agriculture:

Provided that a member of a tribe, notified as agricultural under the Punjab Alienation of Land Act, 1900, shall be presumed to be a debtor as defined in this section until it is proved that his income from other sources is greater than his income from agriculture.

Explanations.—(i) A debtor shall not lose his status as such through involuntary unemployment or on account of incapacity, temporary or permanent, by bodily infirmity, or, if he is or has been in service of His Majesty's Military or Naval Forces, only on account of his pay and allowances or pension exceeding his income from agricultural sources.

(ii) A debtor shall not lose his status as such by reason of the fact that he makes income by using his plough cattle for purposes of transport.

(iii) A debtor shall not lose his status as such only because he does not cultivate with his own hands.

If any question arises in proceedings under this part of the Act, whether a person is a debtor or not, the decision of a Debt Conciliation Board shall be final.

- (3) "Agriculture" shall include horticulture and the use of land for any purpose of husbandry, inclusive of the keeping or breeding of livestock, poultry, or bees, and the growth of fruit, vegetables and the like.

Mr. Mukand Lal Puri : What about amendments to sub-clause (1) of clause 7?

Mr. President : I understood them to be consequential amendments, that is to say, if the amendments to clause 5 were carried, then these consequential amendments would be made; but not otherwise.

¹ In clause 7 (1), the words "or insurance" be added after the word "banking" in line 13.

In clause 7 (1), the word "banking" in line 13 be omitted.

Mr. Mukand Lal Puri : What I wished to know was whether it was permissible to this House to move amendments to clauses other than those to which His Excellency the Governor has recommended some amendments or whether the House can move amendments only to clauses to which His Excellency the Governor has been pleased to recommend some amendments.

Mr. President : That depends upon what His Excellency the Governor has recommended to the Council for reconsideration. If His Excellency has returned the whole Bill for reconsideration without recommending any specific amendments, the Council can reconsider the whole Bill. But if His Excellency has returned only a part of the Bill, amendments can be made only to that part of the Bill. On the other hand, if His Excellency has sent only specific recommendations in the shape of amendments, in that case only those specific recommendations can be considered and not other clauses of the Bill unless, of course, consequential amendments are necessary to be made to the other parts of the Bill.

Rai Sahib Lala Labh Chand Mehra (Non-official, nominated) : Sir, I beg to move—

That in the proviso to new sub-clause (2) of clause 7, between the words "is" and "greater" the following words be added "or was at the time the loan was advanced."

(Urdu) : My object in moving this amendment is to make it clear that the benefit of this proviso will be given only to those members of an agricultural tribe whose income from land was greater than their income from other sources at the time the loan was advanced. The word "is" in the proviso is liable to defeat the object in view. The benefit of the proviso, as it stands at present, is liable to be given to all members of agricultural tribes and those persons are not excluded from the benefit of this proviso whose income from other sources was greater than their income from agriculture at the time the loan was advanced. Such persons whose income from other sources was greater than their income from land at the time the loan was advanced could, under the present provision, say at any time when their income becomes less from other sources than their income from land that they are entitled to the benefit of this proviso. Suppose an agriculturist who along with agriculture carries on some trade or business as well and incurs a debt when his income from the latter source is greater than his income from the former. Suppose also that after sometime his business fails and he suffers loss and his income from trade becomes less than his income from agriculture. Now, according to the proviso as it stands at present, he can be assumed a debtor and given the benefit of this clause. I want to shut all such possibilities. Under the circumstances, the benefit of this proviso should be given only to those persons whose income from other sources was less than their income from agriculture at the time the loan was advanced.

Mr. President : The question is—

That in the proviso to new sub-clause (2) of clause 7, between the words "is" and "greater," the following words be added "or was at the time the loan was advanced."

The motion was lost.

Mr. Mukand Lal Puri (Punjab Industries) : I move —

That in clause 7, new sub-clause (2), the proviso be omitted.

[Mr. Mukand Lal Puri.]

This sub-clause contains the definition of a debtor and this definition has a history behind it. Government at first intended that relief should be given to agriculturists irrespective of any tribal consideration, that the definition of agriculturist which should be adopted in this Bill should be an economic one and not tribal which is the one adopted in the Land Alienation Act. The original definition put forward by Government followed that line and defined the term agriculturist, which was the term used in the original Bill in place of the term debtor, in economic terms. That was a move in the right direction. In the select committee also the Government took up the same attitude and also when Government substituted the word "debtor" for the word "agriculturist," the definition of debtor was confined to those who followed the profession of agriculture, persons whose income from agriculture was more than their income from other sources. But in the House attempt was again made by Chaudhri Chhotu Ram to include within the definition of debtor all members of notified agricultural tribes. That attempt was not successful. But this proviso creates a presumption "that every member of an agricultural tribe is a debtor" not a very happy presumption to be made in the case of any self-respecting individual (*laughter*). The presumption which the Bill now raises is, that every member of a notified agricultural tribe shall be presumed to be a debtor unless it is proved to the contrary. Any person with the least self-respect ought to resent that such a presumption should not be raised about him, but the standard of members of the agricultural tribes is different. However, this is a matter for members representing the agriculturist classes to decide for themselves. What I object to, however, is that in this measure the Government has unfortunately ended by again bringing in what it started by definitely excluding, that is, the Government tried that persons who are not agriculturists shall not be included within the purview of the Act simply because they happen to belong to certain castes or tribes or to be born agriculturists, but that a person in order to be able to take advantage of this measure should be an agriculturist by profession. By introducing this proviso Government has receded from its original position, a position honest and straightforward, and a step in the right direction, and has ended by endorsing what it set out to correct. I repeat that on a matter of principle Government should have stuck to its original position and I ask the House again to reconsider whether by omitting this proviso they would not be doing the right thing. With these words I move my amendment.

Mr. President : Clause under consideration, amendment moved--

That the proviso to new sub-clause (2) of clause 7 be omitted.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadian, Rural) : I had absolutely no desire to speak either on this amendment or on any other amendment. But the speech of the honourable member, Mr. Mukand Lal Puri, has induced me to say a few words. The idea that is uppermost in my mind at present is : Forgive them, O ! Lord, for they know not what they do. Has Mr. Puri considered the effect of his opposition to this proviso ? Suppose as a result of his opposition the recommended amendment is defeated. He will then be left with the definition of debtor which will include everybody, traders, sahuikars and so on and so

forth. Against this general application of the Bill Mr. Puri and the whole of his party put up a very stout fight. Is he now going back upon the position which was taken up by himself and his party? Government in order to oblige, not the zamindar members of the House, not the members of the National Unionist Party, but the urban Hindu party, has put forward this fresh amendment in order to make the section restricted in its application. This was done definitely in deference to the wishes which were expressed by Raja Sahib and his other colleagues. The honourable member to my left, Shaikh Abdul Ghani, draws my attention to the fact that the speech of Mr. Puri is confined only to the proviso that has been added by Government now. It is true, but, if this proviso is taken out, does he think that the remaining portion of the amendment will be carried? After all, this amendment, as it stands, and the attitude of my party to it are the result of a certain understanding and it is as a consequence of that understanding that we are not putting forward any amendments of our own and are not opposing any amendments that have been put forward on behalf of Government. Therefore, the honourable member, Mr. Puri, ought to be reasonable and what has been done in the interest of his own class he should not seek to undo.

Mr. Mukand Lal Puri: I only moved for the omission of the proviso to sub-clause (2) of clause 7 which would leave the definition of debtor to be that a debtor means a person who owes a debt and one who earns his livelihood mainly by agriculture and is either a land-owner or tenant of agricultural land or a servant of a land-owner or tenant of agricultural land or who earns his livelihood as village menial paid in cash or kind for work connected with agriculture. The omission of the proviso would not mean that traders are included within the definition. The omission of the proviso would only restore the original proposal of Government. Of course, Chaudhri Chhotu Ram has been frank enough to confess that this proviso has been insisted upon by his party and that, if this proviso had not been inserted, he would have very likely claimed the whole pound of flesh. What was that pound of flesh? It was the unique definition invented by the majority party that "a debtor means a person who owes a debt." The restoration of that definition would not have redounded very much to the credit of that party. In any case, my amendment does not in any way conflict with the interests which I have been representing. I am only complaining that the economic factors which ought to have weighed in the course of this legislation have given way in the course of the debate and the discussions private and public and the consequent pressure on the Government is to considerations which are not economic but tribal. I have again placed before the House my amendment with a view to give another opportunity to the House to legislate on proper lines and not on irrational lines dictated merely by the will of the majority.

Mr. President: Question is—

That in clause 7, new sub-clause (2), the proviso be omitted.

The motion was lost.

Mr. President: The question is—

That in clause 7, sub-clause (2), containing the definition of "debtor" be omitted and the following sub-clauses be substituted in its place and that sub-clause (3) be renumbered as (4):—

[Mr. President.]

(2) "Debtor" means a person who owes a debt and—

- (i) who both earns his livelihood mainly by agriculture, and is either a landowner, or tenant of agricultural land or a servant of a landowner or of a tenant of agricultural land, or
- (ii) who earns his livelihood as a village menial paid in cash or kind for work connected with agriculture :

Provided that a member of a tribe, notified as agricultural under the Punjab Alienation of Land Act, 1900, shall be presumed to be a debtor as defined in this section until it is proved that his income from other sources is greater than his income from agriculture.

Explanations.—(i) A debtor shall not lose his status as such through involuntary unemployment or on account of incapacity, temporary or permanent, by bodily infirmity, or, if he is or has been in service of His Majesty's Military or Naval Forces, only on account of his pay and allowances or pension exceeding his income from agricultural sources.

(ii) A debtor shall not lose his status as such by reason of the fact that he makes income by using his plough cattle for purposes of transport.

(iii) A debtor shall not lose his status as such only because he does not cultivate with his own hands.

If any question arises in proceedings under this part of the Act, whether a person is a debtor or not, the decision of a Debt Conciliation Board shall be final.

- (3) "Agriculture," shall include horticulture and the use of land for any purpose of husbandry inclusive of the keeping or breeding of livestock, poultry, or bees, and the growth of fruit, vegetables and the like.

The motion was carried.

Clause 30.

Mr. President : The question is—

That as a consequential amendment clause 30 be omitted, and clause 31 be amended by the substitution of the word and figure "section 7" for the word and figures "section 30" wherever they occur in sub-sections (i) and (ii).

As a further consequential amendment clause 31 be renumbered as clause 30 and all the clauses following it be renumbered.

The motion was carried.

Clause 31.

Mr. President : The question is—

That the proviso to clause 31 be omitted.

The motion was carried.

Clause 35.

Mr. President : The next amendment recommended by His Excellency is—

That clause 35 as passed by the Legislative Council be omitted and in its place the following be substituted—

- "35. Notwithstanding anything to the contrary contained in any other law for the time being in force, no judgment-debtor shall be liable to arrest for default in the payment of any money due under a decree unless the court is satisfied that the judgment-debtor has, without just cause, contumaciously refused to pay the amount of the decree, in whole or in part, within his capacity to make payment :

Provided that the court shall, before issuing a warrant of arrest, give an opportunity to the judgment-debtor to show cause against its issue : and

Provided further that, in considering the capacity of the judgment-debtor to pay, the court shall take into consideration the value of the property of the judgment-debtor only to the extent to which a civil court can dispose of it under the law in execution of a decree."

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muhammadan, Rural), (Urdu): Sir, I beg to move—

That in new clause 35, between the words "decree" and "unless," in line 3, the following words be inserted:—"of a civil court."

If the Government is desirous of penalizing the exacting and dishonest money-lenders, it is welcome to do so, and if it wants to make laws in order that the debtors are relieved of the huge burden of debts, it has our whole-hearted sympathies. What we take strong exception to, however, is the attempt the Government has made by instituting the present clause, to injure the interests of zamindars. The zamindar has to institute legal proceedings against his tenants many a time in the year when they refuse to pay him the stipulated rents or share of the produce. It is not uncommon for the tenants to refuse to pay in the shape of *batai* or *chakota* the stipulated rent and the zamindar has to seek the remedy in a court of law. This new clause will make the defaulting tenants immune from the clutches of law as is administered by civil courts. If the clause is adopted in its present form, it will seriously injure the interests of the zamindars who will be deprived of an opportunity of seeking legal remedy against the defaulting tenants in the courts. All the big zamindars present here will bear me out that we greatly stand in need of the protection which the present law affords us and which the clause now under discussion seeks to do away with. We are already suffering at the hands of dishonest tenants. We have to engage a *munshi* to collect rents from tenants and to institute legal proceedings against those who refuse to pay. He has to perform countless duties in this connection. He has to serve ejectment notices on some of the tenants; he has to sue some in the court; the case of some of them is to be referred to a number of gentlemen from the locality for compromise. Some tenants fell trees from the land of the proprietor and refuse to pay any price for it on demand. The proprietor has to institute proceedings against them. These are the difficulties of the big zamindars. But if the present clause is made to stand part of the Bill it will be impossible for them to execute their decrees. The tenants will be protected by this clause and they will snap their fingers in the face of the decree-holder. I am not asking for the moon by moving this amendment. I simply want to retain for the zamindars the right which they already enjoy under the law in force and of which the present clause deprives them. I have no objection to putting severe checks on the activities of the dishonest sahuikars. I should like, however, to see the rights of the honest zamindars preserved against the bad intentions of those tenants who are not prepared to pay their dues. I would appeal to all the big zamindars here to lend support to my amendment and I hope the Government, too, will see its way to accept it.

Mr. President: Clause under consideration, amendment moved—

That in new clause 35, between the words "decree" and "unless" in line 3, the following words be inserted:—"of a civil court."

Chaudhri Bansi Lal (Lahore city, non-Muhammadan, Urban) (Punjabi): Sir, I am thankful to my honourable friend, Kanwar Mamraj Singh Chohan, for having spoken in Hindustani, because I have also been able to understand what he said. I wonder why my countrymen, and more especially the Punjabi members of this Council, are so much enamoured of foreign tongues. Do they not understand this simple thing that it is good to speak our own

[Chaudhri Bansi Lal.]

tongue in our own country ? But my honourable friends here do not seem to have appreciated the propriety of speaking their own mother tongue and to-day it is through the kindness of my friend, Kanwar Mamraj Singh Chohan, that I who am the grandson of Kalu sweeper and son of Mangal Balmik am participating in this debate. (*Hear, hear*). I am illiterate and for that I have to thank my parents who did not send me to school.

Mr. President : Order, order.

Chaudhri Bansi Lal : For Heaven's sake let me continue for a minute without interruption. (*Laughter*). No doubt the Government has passed a law that the sahkars should not be able to harass their clients unnecessarily and I hope that the debtors will be relieved from many hardships on account of this law. But what about the unsympathetic judges ? They go on passing orders ruthlessly for the attachment and auction of the property of poor debtors. They do not have the least amount of pity for them. Look at the civil judges like Shaikh Maqbul Ahmad and Mr. Jagdish Narain. I do not think that these people have any pity left in their hearts. We cannot, therefore, go on complaining of the cruelties of sahkars alone.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) (*Urdu*): Sir, in view of the complaint of my honourable friend, Mr. Bansi Lal, I should like to speak in Urdu.

Mr. Nanak Chand Pandit : He would like to hear you in Punjabi.

Shaikh Abdul Ghani : I have no objection to speaking in Punjabi either. It is my mother tongue. The amendment moved by Kanwar Mamraj Singh Chohan is not so very important that the House should waste its precious time over it. This amendment, however, clearly shows the state of mind of my rural friends, and we should carefully notice it. We, who lend our support to the reasonable demands of the rural members are not here to sell our conscience. They should not expect that we will go on lending our support to all unreasonable propositions that may be brought forward by them. The present amendment has been conceived through ill-will and we cannot lend our countenance to it. We know that in most cases the zamindars do not make a proper use of their money and run into heavy debts. But we come forward nevertheless to help them out of their difficulties because we know that it is in the interest of the country at large that they should be afforded facilities to carry on their useful profession of agriculture. But our attitude seems to have turned their head and now they have taken it into their head to make all sorts of wild proposals like the one contained in the present amendment. Sometimes they press upon the Government that remissions should be granted in land revenue and sometimes they urge that sahkars should be compelled to forego their debts. This is not fair. The zamindars should know better. If they do not mend their ways, they will alienate the sympathies of a large section of the people and after that the situation will become very difficult for them to manage. I hope that my warning will have the desired effect and our leader in this House, Chaudhri Chhotu Ram, will point out to the honourable member and his party the unreasonableness of his amendment and will ask him to withdraw it with repentance.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural): I fear that my honourable friend from Ambala is a

little bit mistaken. He thinks that a recovery of debt will lie in a judicial court, whereas it really lies under the Land Revenue Act in a revenue court. I will, therefore, advise my friend to withdraw his amendment.

Mr. President : The question is—

That in new clause 35, between the words "decree" and "unless" in line 3, the following words be inserted:—"of a civil court."

The motion was lost.

The Honourable Mr. D. J. Boyd (Finance Member) : I move—

That for the second proviso to the new clause 35, the following two provisos be substituted—

"Provided further that when a court has power under the law to order a temporary alienation of the land of a judgment-debtor in execution of a decree the court shall not for the purpose of this section take into account the value of any such temporary alienation in considering the capacity of the judgment-debtor to pay:

"Provided, further, that save in so far as is otherwise provided in this section the court in considering the capacity of the judgment-debtor to pay shall take into consideration the value of the property of the judgment-debtor only to the extent to which a civil court can dispose of it under the law in execution of a decree."

In moving this amendment I wish briefly to explain its object. It has been suggested that the amendment recommended by

4 P. M.

His Excellency the Governor would leave it open to a court to order the imprisonment of a judgment-debtor even if the judgment-debtor owned land in regard to which it was within the power of the court to order temporary alienation. The mere fact that a judgment-debtor did not take the initiative in arranging for a mortgage may in the opinion of the court provide sufficient grounds for ordering his imprisonment. Government are inclined to the view that the mere failure on the part of the judgment-debtor in the circumstances mentioned could not be considered by the court as contumacious refusal and, therefore, the amendment as recommended would in fact have given protection in the case mentioned. There is no doubt that when a court has no power to order temporary alienation resort to arrest and imprisonment should not be made in the case I have mentioned and I am sure the Council will agree with that view of Government in this respect. Since doubt has been expressed whether the amendment recommended by His Excellency the Governor sufficiently protected judgment-debtors in this respect it has been decided to place the intention of Government beyond the possibility of doubt by the amendment which I have now moved. Our intention was the intention embodied in this amendment from the beginning. But as doubts have been cast upon the meaning of the amendment as originally recommended by His Excellency I have moved the present amendment in order to make the position absolutely clear.

Mr. President : Clause under consideration, amendment moved—

That for the second proviso to the new clause 35, the following two provisos be substituted—

"Provided further that when a court has power under the law to order a temporary alienation of the land of a judgment-debtor in execution of a decree, the court shall not for the purpose of this section take into account the value of any such temporary alienation in considering the capacity of the judgment-debtor to pay:

"Provided, further, that save in so far as is otherwise provided in this section the court in considering the capacity of the judgment debtor to pay shall take into consideration the value of the property of the judgment-debtor only to the extent to which a civil court can dispose of it under the law in execution of a decree."

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : I oppose this amendment. When I read the original amendment to section 35 recommended by His Excellency the Governor I thought it was manifestly unjust. A land-owner who owns thousands of acres of land, though he does not mortgage it has still credit to the extent of the value of that property. The only restriction imposed by the Land Alienation Act is that a member of an agricultural tribe cannot transfer it by sale to a person who does not belong to an agricultural tribe, but he can sell it to a person of an agricultural tribe. Therefore that land which he owns has a saleable value. It is on the security of that value that a money-lender lends thousands and even lakhs of rupees. Now the provision with regard to arrests has a moral effect in making the well-to-do debtors pay. The amendment recommended by His Excellency the Governor took away from that property its saleable value. The value of the property was reduced to what it would be if it could be alienated for 20 years which is naturally very much less than the value it can fetch by sale. Now the amendment which is proposed by the Honourable Finance Member takes away both the saleable value as well as the mortgage value. Thus the value of the property which is protected under section 16 of the Land Alienation Act is reduced to zero. That is manifestly unjust, manifestly discriminatory and I, therefore, offer my most strenuous opposition to it. In the Joint Parliamentary Committee Report there has been a reference to discriminatory laws. In the Franchise Committee Report also there is a reference to the Land Alienation Act. In the Joint Parliamentary Report it is stated that though discriminatory laws of the nature of the Land Alienation Act can be tolerated yet the rights of minorities should be protected and if such a discriminatory law goes against the rights of a minority that minority has the privilege of seeking the protection of the Governor and of the Governor-General. This amendment carries discrimination to extremes. It means that a member of an agricultural tribe who owns thousands of acres is exempt from imprisonment, he cannot be arrested, because the value of his property cannot be taken into consideration. He may own a palace in Simla or in any other town and another provision of this Bill exempts that property from attachment if it is not let out on rent. Thus immovable property of all kinds is exempted from attachment. This is a most unjust provision that one can think of. I am quite sure that this amendment will be passed by the House but I must record my emphatic protest against it.

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East Rohtak, non-Muhammadan, Rural) : I am sorry I was not present during the earlier part of the speech of Raja Narendra Nath. But I can well imagine the purport of it from the last few words which I was able to hear. His complaint is that undue favour is being shown to members of agricultural tribes because their houses will not be liable to attachment and their lands will not be liable for sale and the income from land will not be taken into account in considering the paying capacity of a particular debtor. I think he has stated only one side of the case. A debtor's land is liable to be attached and can be given out on farm for a period of twenty years. So the income or the proceeds of the farm will be available to the court for the satisfaction of the decree. It is only for purposes of arrest that courts will not be able to take into account the value of the property or the value of the farm. Therefore Raja Sahib has

really no grouse whatsoever on this score. So far as the sale of land is concerned, that is already forbidden under the Land Alienation Act and this amendment of the Government does not seek to add a title to that Act. It is only with a view to give immunity from arrest that the value of the farm is sought to be excluded under the amendment which Government has kindly agreed to move as a result of mutual understanding. Therefore I support the amendment.

Mr. Mukand Lal Puri (Punjab Industries): This amendment as has already been pointed out by Raja Narendra Nath is the most important clause in this Bill. This clause is more unjust than all the rest of the Bill put together. It is also novel, because, as far as members of statutory agricultural tribes are concerned, it puts an end to all facilities for realization of debts. By this one amendment, the debts due from the statutory agricultural tribes are practically wiped out in their entirety. Chaudhri Chhotu Ram even will not, I think, deny the obvious that the effect of this amendment is that as far as the members of the statutory agricultural tribes are concerned they will be entirely immune from arrest while others will be liable to arrest only if they contumaciously withhold payment of their debt. I wish to state at the outset, that after considering the matter very carefully, after discussing it with my friends I have come to the conclusion that such a discriminatory piece of legislation should not be allowed to be passed without recording a protest. I would be quite willing, if I had the choice, to accept the first decision of the House that arrest in execution of a decree should be abolished altogether for all rather than that it should be abolished only in the case of the privileged class. I believe the abolition of arrest as a means of realisation of a decree would create insurmountable difficulties of which no Government can refuse to take cognisance. But if I have to choose between the abolition of arrest in execution of civil decree in all cases and abolition of arrest in the execution of civil decree only in the case of statutory agriculturists or any privileged classes, I say with a full sense of responsibility that I would certainly prefer the first which places all people on the same level. What is the effect of this amendment? A member of a statutory agricultural tribe who owns 500 bighas of land and a number of houses not let on hire, cannot be arrested in execution of a decree, even if he deliberately refuses to pay a judgment debt of Rs. 100, while another person who is not a statutory agriculturist who owns less than 200 bighas of land can be arrested. Has the House forgotten the speech of the honourable member from Gujranwala, Chaudhri Riasat Ali—he is quite frank on certain occasions—delivered in the course of discussions on this Bill, but at an earlier stage? This is what he said in the Council on 27th June 1934—

I have known another gentleman, an honorary magistrate with ten thousand acres of land going to jail for a debt of Rs. 2,500. I am afraid I am supporting my friend in talking like this that though men could pay they went to jail, but I am talking of the attitude of these people. (Page 191 ante.)

Now, by this provision you are going to make it impossible for any court to order arrest of a person who owns ten thousand acres of land and owes only Rs. 500 but who would not pay his debt. In order to buy a motor car, and in order to spend on the marriage of his children, or in order to spend on licentiousness, or on luxury, he can sell, mortgage or lease his entire land to a member of statutory agricultural tribes but in order to consider his ability to pay debt, the effect of this proposal is that this property should not be taken into consideration. Now is there any law in existence in the

[Mr. Mukand Lal Puri.]

Punjab which lays down that such a man is not able to pay his debts? He is certainly unwilling to pay his debts and is it intended by this House that this man, not because he is economically unable to pay his debt, but because he happens to be the son of a Jat, although he may be following the profession of a lawyer, doctor or school master, he should be able to defy the legitimate decrees which are passed by His Majesty's courts, by simply refusing to pay? What I submit is that as far as members of the agricultural tribes are concerned, even if you accepted His Excellency's original amendment, not to talk of the improvement made by the Honourable Finance Member, you would have practically wiped out the entire debt which is due from the agricultural tribes of this province. There is no mistake about it. And if you want to abolish arrest, I certainly for one, and I speak in this matter on behalf of all the non-agriculturists of the province, would welcome a legislation which places every subject of His Majesty on the same level in this respect and not be a party to such an unjust and discriminatory legislation as this. (*An honourable member*: We would welcome it). Well, then, let us all unite and support the original recommendation and I certainly would walk into your lobby if the alternative before me is the one which is now before us. I can very well understand the abolition of arrest in execution of all civil decrees. But I for the life of me cannot see any logic or sense in this proposal. We had heard of *Sikhashahi*, and also of *Nadarshahi*. But this is *Zamindarshahi* of the worst type. (*An honourable member*: *Jatshahi*.) Yes and enforced not by the power of the Jat but by the sword of the British and that is the most disgraceful part of it. The Government should never have accepted this amendment. The proposal of the select committee even on this point which was again the proposal made to carry out the orders of Chaudhri Chhotu Ram, in spite of Government's own opinion to the contrary did not go as far as this. That proposal except for the proviso was far more rational. Compare the present proposal with the proposal of the select committee and you will notice the difference. The appetite of the zamindar group has increased from day to day and more on account of concessions made to it. In fact, at one time, Government definitely opposed any legislation on this subject, and said so in the House but Government can look to its own reputation for any consistent policy. But I wish to draw the attention of the House to a far more serious matter. The present amendment, brought forward at this late stage and without consultation with any non-zamindar, utterly disregards its own declared policy enunciated solemnly several times in this Council. No less a person than Sir Fazl-i-Husain, as Revenue Member, speaking on 28th February 1929 on a resolution *re* Amendment of the Punjab Alienation of Land Act, declared it as a settled policy of the Government not to extend the operation of the Alienation of Land Act. He stated—

The policy of the Government which was responsible for the legislation which resulted in the Land Alienation Act of 1900 is a policy which the Government has not abandoned; but it is not a policy which the Government is prepared to extend either. Therefore any effort made in the year 1929 to persuade the Government to extend it cannot but be met with determined opposition from Government Government will neither move backward nor move forward, but stands where it is.

The Honourable Mr. D. J. Boyd: That is the exact reason of this clause.

Mr. Mukand Lal Puri : I have very great regard for the Honourable Finance Member but Mr. Boyd's word is not the final word on a matter of interpretation. Let him appoint two arbitrators, two European judges and let them say that this is not extending the scope of the Land Alienation Act and I will bow to their decision. At one time, Mr. Boyd himself expressed a similar opinion on the select committee in support of my contention, while we were discussing a similar amendment of Chaudhri Chhotu Ram in connection with the provisions relating to insolvency.

Again on 23rd July 1930 the Honourable Captain Sirdar Sir Sikander Hyat-Khan, Revenue Member, speaking on behalf of the Government said—

I am grateful to the Chair for making the suggestion and giving me an opportunity to speak on behalf of the Government. My predecessor made a declaration of Government policy in this House sometime ago. With your permission I wish to reiterate that policy, and assure the House that Government still adheres to it. What he said at the time was that Government will neither go a step forward nor a step backward, that is to say, that it will neither permit the scope of the Act to be extended nor allow it to be restricted. So far as the resolution under discussion is concerned, I am afraid that it is not possible for Government to accept it in its present form, because it is worded in language, which goes beyond the real issue, and I am advised infringes the declared policy of Government as it aims at extending the scope of the Act.—(*Punjab Debates, Vol. XVI, Page 144.*)

Now the Land Alienation Act lays down rules which determine the relations between a debtor and a creditor and you will be pleased to observe that the assets of a member of an agricultural tribe have always been taken by courts and by everybody else during the last 30 years to include the market value of his land, because the Land Alienation Act does not prohibit the sale of that land. It permits a member of an agricultural tribe to sell his land to any one whom he likes provided he is a member of the agricultural tribe. It permits him to mortgage it for any amount and at any rate of interest with another member of the agricultural tribe. All that is prohibited is that the land cannot be sold in execution of a decree. There is nothing in the Act which prevents him from selling or mortgaging it himself. Therefore the courts have invariably interpreted "ability to pay", "capacity to pay", to include the value of the agricultural land. It has been so interpreted not by one judge, not by Indian judges alone, but by a succession of illustrious judges from 1906 up to 1932. The phrase "unable to pay" occurs in the Insolvency Act. The courts have interpreted that a person's ability to pay should be determined after taking into consideration the value of his agricultural land, inasmuch as he has absolute power of disposal over that land. That is how it has been interpreted by almost all the judges and that is how it has been taken to be the law of the land in the Punjab. Now, if the Government wishes to change this accepted interpretation of the Land Alienation Act, then the Government is clearly extending the scope of the Land Alienation Act. A similar point was raised by Rao Bahadur Chaudhri Chhotu Ram in the select committee when he proposed an amendment to section 74 of the Insolvency Act and he wanted a proviso to be added that in interpreting that section, in determining "capacity to pay," the agricultural land or the land which is not liable to attachment or sale in execution of a decree, shall not be taken into consideration. That was the definite endeavour made by him to achieve his object and it was turned down by the votes of officials voting with the minority.

The Honourable Mr. D. J. Boyd : We do it again.

Mr. Mukand Lal Puri : The Honourable Member says he will do it again. I wish he will do it here also. What is now proposed by the Government is that a civil court in determining the ability of a debtor for the purposes of a provision of Civil Procedure Code shall not take into consideration the value of the agricultural land of a member of an agricultural tribe notified under the Land Alienation Act.

The Honourable Mr. D. J. Boyd : The position is quite different.

Mr. Mukand Lal Puri : I do not agree. The question is that the relations of the debtors belonging to agricultural tribes and the creditors have been regulated by a certain interpretation of law which has been uniformly accepted by courts. Is the Punjab Government now going to give a go-bye to it or is it going to accept that interpretation and follow it?

The Honourable Mr. D. J. Boyd : Of the Land Alienation Act or the Provincial Insolvency Act? Would you mind explaining?

Mr. Mukand Lal Puri : Of the Land Alienation Act. There are various ways in which a creditor can realise money from a debtor belonging to tribes notified under the Land Alienation Act and one of them is arrest. If you abolish arrest as a means of realising debt from members of notified agricultural tribes, you are extending the scope of Land Alienation Act by conferring a privilege on statutory agriculturists to the detriment of creditors. You are extending the scope of the Land Alienation Act. If you take away one of the methods by which he can realise the decree—you are clearly extending the principle of the Land Alienation Act. That was, I respectfully submit, the opinion of certain official members in the select committee. That is certainly the opinion of Raja Narendra Nath, retired Deputy Commissioner, Mr. Manohar Lal, an *ex*-Minister and myself who have definitely said so in the note of dissent to the report of the select committee. What I say is this. Here are these solemn pledges of the Punjab Government that the scope of the Land Alienation Act shall not be extended to the detriment of the creditor. Are they going to be trodden under foot like this? That is not a matter which is settled by the person breaking the pledge asserting that it does not extend the scope of the Act. We solemnly say that it does so extend. Let the Honourable Finance Member refer this matter to two judges if he cares for an independent and impartial opinion and let him give us an opportunity of placing our case before them. This is not a matter on which legislation should be undertaken in such a light-hearted manner. Apart altogether from its being highly inequitable, it is a matter which goes against, I respectfully submit, the solemn pledges given not only by the predecessors of this Government but by the members of the present Government themselves and thus bring the Government itself into disrepute. Whatever may have been said about the original proviso, is there any doubt that the present further amendment of the Punjab Government that the value of the lease of the land shall not also be taken into account in determining capacity to pay, clearly extend the scope of the Land Alienation Act? The original proviso to the clause as proposed by the select committee was also drafted by Chaudhri Chhotu Ram. It could never occur to him that the Punjab Government could possibly swallow this further amendment which is being now introduced at this late stage. If the

repeated declarations of Punjab Government's policy are not the well-known "scraps of paper"; let them consult judges on this point, if they cannot or would not see the obvious. I oppose this amendment on three grounds because it is entirely inequitable, unjustifiable and unjust, because it makes invidious distinctions between two classes of His Majesty's subjects and because it extends the scope of the Land Alienation Act.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural): Whenever there is any mention of the Land Alienation Act or of Chaudhri Chhotu Ram, Mr. Puri it seems to me loses his temper. The only thing which the Government is doing in this connection about this amendment is to clarify some vagueness and ambiguity in the original amendment. The thing is that the land of a zamindar, as you know, cannot be alienated at all permanently, cannot be sold to non-zamindars, nor can it be temporarily alienated; so, in considering the value of the property at the time of making arrest the court will only be reasonable and just in regarding that the property which has already been alienated is not now in the possession of the debtor at all. Nor does he derive any benefit from it. Why should then the value of that property be taken into consideration? I think you should realise the reasonableness of the amendment. The only thing which the court could do was that in execution of a decree it could not sell the land itself but as stated by Mr. Puri, the zamindar could be compelled to sell his land to a zamindar brother. This simply meant that most of the zamindars in this matter would be ruined. Execution of a decree has to be satisfied by a temporary alienation of land but so much must be left as would suffice for the maintenance of his family and his other requirements. I think there is absolutely nothing unjustifiable or unreasonable in this amendment. Government is definitely justified in bringing in this amendment. (*Hear, hear*).

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural): I rise to support the amendment, the Honourable Member has introduced. Unnecessary heat has been introduced in the debate only on account of the ignorance of the honourable member for Industries of the Land Revenue Act (*laughter*). It has been said that this amendment which His Excellency has made is not an improvement of the Bill. On the contrary we feel that His Excellency has been too considerate for my friends on this side. The original section does not make any distinction between any sort of debtors. But now there have been limitations and these limitations are in accordance with the Land Alienation Act. It has neither been extended nor restricted. It is only an explanation as my friend the honourable member for Sheikhupura has just now said. The land of the zamindar which has already been alienated should not be taken into account for the purposes of some other decree. It must be excluded and surely as much land should be left with him as is sufficient for the maintenance of himself and his family. This maintenance allowance surely should not be taken into consideration when you are executing any decree. The other proviso clearly lays down that you can take only that much land which can be disposed of, and leaving perhaps land which is held under temporary cultivation some more land may be disposed of in this manner. If there is no other land at all then the whole land could be taken into con-

[Chaudhri Allah Dad Khan.]

sideration leaving such land as is necessary for his maintenance. My honourable friend practices only in civil courts and so, perhaps does not know that this procedure is always adopted by the deputy commissioners when alienating the land, they can never leave a single bigha of land which is more than necessary for his maintenance and if he had understood that I think, he would never have made any objection. With these words I support the amendment.

The Honourable Mr. D. J. Boyd (Finance Member): From the tone of righteous indignation assumed by Raja Narendra Nath and Mr. Puri one might have thought that Government were about to perpetrate some monstrous piece of favouritism in the amendments which His Excellency recommended to the Council and the further amendment which I have already moved. The real truth is this that we are trying to preserve the scope of the Punjab Land Alienation Act absolutely intact. I think it is section 16 of the Punjab Land Alienation Act which lays down that land belonging to a member of an agricultural tribe cannot be sold in execution of a decree. We all know that, but the effect of this section seems to have been overlooked by some of the speakers. If the land cannot be sold by a court in execution of a decree, is it not extending the scope of the Act to permit the court to compel a man to sell his own land? Whether the land is sold by the court or whether the court compels the man to sell his own land is the same thing (*hear, hear*). You provide for exemption from arrest and yet you allow the court to imprison a man because of the value of the land being greater than the value of the decree. To my mind that would be a clear extension of the scope of the Punjab Alienation of Land Act. Then the honourable Raja Sahib has been most indignant about the amendment which I have to-day moved to the effect that if a court can itself make a usufructuary mortgage of a judgment-debtor's land, the judgment-debtor should not be imprisoned with regard to the value of that usufruct. That I think is clear justice. Suppose the court has the unfortunate judgment-debtor standing before it and it says that his land can be alienated temporarily for the sum of Rs. 2,000 which is the sum of the decree; but as he has not made that temporary alienation he must go to prison. Would that be fair? When the court can itself effect the temporary alienation it would be a wicked piece of unfairness. That is all the amendments stand for (*hear, hear*).

Mr. President : Question is—

That for the second proviso to the new clause 35, the following two provisos be substituted :—

“ Provided further that when a court has power under the law to order a temporary alienation of the land of a judgment-debtor in execution of a decree, the court shall not for the purpose of this section take into account the value of any such temporary alienation in considering the capacity of the judgment-debtor to pay :

“ Provided, further, that save in so far as is otherwise provided in this section the court in considering the capacity of the judgment-debtor to pay shall take into consideration the value of the property of the judgment debtor only to the extent to which a civil court can dispose of it under the law in execution of a decree.”

The motion was carried.

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muham-
madan, Rural) (*Urdu*): Sir, I beg to move—

That the following proviso be added at the end of new clause 35 :—

“ Provided further that nothing in this section shall apply to a decree for the payment of money which the judgment-debtor was bound to pay as arrears of land revenue or as arrears of money recoverable as arrears of land revenue and which the decree-holder or his representative in interest had paid as a lambardar.”

In moving this amendment I wish to draw the attention of the House and the Government to that law under which the lambardars are made to pay arrears of land revenue not only that is due from themselves, but that is due from other zamindars under their jurisdiction. If you look at the annual report on land revenue administration in the Punjab that is prepared by the Government you will find in it the amount of land revenue, paid by the lambardars on behalf of others and also the amount that had to be realised by warrants, etc. That report is before me and I find that in 1929 the lambardars in this province had to pay Rs. 17,82,768, in 1930 they had to pay Rs. 26,91,491, in 1931 they had to pay Rs. 32,55,244 and in 1932 they had to pay Rs. 39,38,862 as arrears of land revenue on behalf of others. These amounts, I need hardly say, were primarily due not from the lambardars themselves but from others; but they had to pay these amounts from their own pockets from fear of the tahsildars and their subordinate officials, from fear of the law on the subject and on account of the unkindness and lack of sympathy on the part of the Government for these poor lambardars. It is to save these poor lambardars, who are the loyal servants of the Crown, from disgrace and from incurring debts for paying for others that I appeal to the House and the Government that they should be exempted from this very severe provision of the proposed legislation. To say the least it will not be fair to create the same difficulties in the execution of decrees for such amounts as were paid, not of their own accord but under compulsion, by the lambardars as arrears of land revenue for others and for those against whom such decrees may be given by the courts. To set at rest the fears of some of the honourable members I may say that this amendment, if passed, will not apply to those big lambardars who are few in number and who own large tracts of land and who are themselves responsible for paying as well as for the collection of land revenue in regard to the estates owned by them. It will apply only to lambardars whose number is very large and who are as poor as their brethren for whom they are made to pay. As every honourable member of the House will be aware these poor lambardars have to incur debts for making these payments and it is only fair that every facility should be afforded to them to get back that money that they had paid for others and for which they had to become debtors. It will be injustice pure and simple to treat them like ordinary sahukars as it is proposed to be done. If there is any sympathy left in the minds of the members and of the Government for these poor lambardars, I am sure that my appeal will create the desired effect and this amendment which I have proposed will be readily accepted.

Mr. President: Clause under consideration, amendment moved—

That in new clause 35 the following proviso be added at the end :—

“ Provided further that nothing in this section shall apply to a decree for the payment of money which the judgment-debtor was bound to pay as arrears of land revenue or as arrears of money recoverable as arrears of land revenue and which the decree-holder or his representative in interest had paid as a lambardar.”

The Honourable Mr. D. J. Boyd (Finance Member): I would like to say just a word on this amendment. Government is by no means unsympathetic with the lambardars especially in their difficulties in recovering land revenue. I should like to make that clear. At the same time no exceptions whatever have been proposed in this clause which relates to the abolition of imprisonment for debt except in the case of a contumacious refusal to pay. Accordingly it would be a very grave mistake to encumber the clause with exceptions and if we begin with one exception Heaven knows where we will end. Already there are more than half-a-dozen means of recovering land revenue from a defaulter. All these means can be used one after the other by the lambardar. While, therefore, I have every sympathy with him it would be a great mistake to knock about this clause by introducing exceptions.

Mr. President : The question is—

That in new clause 35, the following proviso be added at the end :—

“ Provided further that nothing in this section shall apply to a decree for the payment of money which the judgment-debtor was bound to pay as arrears of land revenue or as arrears of money recoverable as arrears of land revenue and which the decree-holder or his representative in interest had paid as a lambardar.”

The Council divided : Ayes : 7 : Noes : 48.

AYES.

Bhagat Ram, Lala.
Chetan Anand, Lala.
Gopal Das, Rai Sahib Lala.

Lekhwati Jain, Shrimati.
Mamraj Singh Chohan, Kanwar.
Pandit, Mr. Nanak Chand.

Ramji Das, Lala.

NOES.

Abdul Ghani, Shaikh.
Ahmad Yar Khan Daulatana, Khan
Bahadur Mian.
Akbar Ali, Pir.
Allah Dad Khan, Chaudhri.
Anderson, Mr. J. D.
Askwith, Mr. A. V.
Bahadur Khan, Sardar.
Boyd, The Honourable Mr. D. J.
Chhotu Ram, Rao Bahadur Chaudhri.
Dodd, Mr. R. J. S.,
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazl Ilahi, Khan Sahib Shaikh.
Ferguson, Mr. J. A.
Firoz Khan Noon, The Honourable Malik, Sir.

Garbett, Mr. C. C.
Ghani, Mr. M. A.
Gokul Chand Narang, The Honourable Dr.
Habib Ullah, Khan Bahadur Sardar.
Haibat Khan Daba, Khan.
Hearn, Mr. J. W.
Janmeja Singh, Captain Sardar Bahadur Sardar.
Jaswant Singh, Guru.
Jogendra Singh, The Honourable Sardar Sir.
Labh Chand Mehra, Rai Sahib Lala.
Latifi, Mr. A.
Marsden, Mr. P.
Mubarak Ali Shah, Sayad.
Muhammad Abdul Rahman Khan, Chaudhri.

Muhammad Amin Khan, Khan Bahadur Malik.
 Muhammad Eusoof, Khwaja.
 Muhammad Hayat Qureshi, Khan Bahadur Nawab.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Ali Khan, Raja.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Noor Ahmad Khan, Khan Sahib Mian.

Nur Khan, Khan Sahib Risaldar Bahadur.
 Nurullah, Mian.
 Pearson, Mr. H. J.
 Puckle, Mr. F. H.
 Ram Sarup, Chaudhri.
 Roberts, Mr. W.
 Sanderson, Mr. R.
 Sheo Narain Singh, Sardar Bahadur Sardar.
 Sikander-Hyat Khan, The Honourable Captain Sirdar Sir.
 Zafrulla Khan, Chaudhri.
 Zaman Medhi Khan, Khan Bahadur Malik.

Mr. President : The question is—

That new clause 35 as recommended by His Excellency the Governor and amended by this Council be substituted for the old clause 35.

The motion was carried.

Clause 37.

Mr. President : The sixth amendment recommended by His Excellency is—

That the following general provision be adopted as new clause at the end of the Bill :—

“ 37. Where in a suit for the recovery of a loan the court is satisfied that an entry relating to the loan has been made in any document showing the amount of the sum advanced to be in excess of that actually advanced plus legitimate expenses incurred the court may, at its discretion, disallow the whole or any part of the sum claimed by the plaintiff.”

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : Sir, I beg to move—

That in new clause 37—

- (i) after the word ‘incurred,’ in the penultimate line, the words ‘and interest in advance for one year at the rate agreed upon’ be added.
- (ii) after the word ‘court’ in the penultimate line, for the words which follow, the following words be substituted :—
 ‘shall disallow excess claimed by the plaintiff over interest in advance and legitimate expenses.’

The point that I wish to put before the House is this that if legitimate expenses are allowable and if excess on account of expenses is not excess which can be objected to, I do not see why interest in advance on the rates stipulated should be disallowed. The general practice is that money-lenders take a year's interest in advance. They do not take it in cash, but they make an entry so as to cover a year's interest in advance and put to the account the sum minus so much interest. This is an excess which cannot be objected to and which should not be objected to. It is in accordance with the general practice in money-lending. Then I say that where the excess is something more than the interest which

5 P.M.

[D. B. Raja Narendra Nath.]

has been agreed upon for a year and something more than the legitimate expenses, the whole of that excess should be disallowed. It should not be left merely to the discretion of the court to disallow the excess, but it should be obligatory on the court to disallow the excess. I do not think that it would be right to give discretion to the court. With regard to the dismissal of the whole claim a man should be punished to the extent to which he is guilty and not for anything beyond. This is a very simple amendment and reasonable and I hope that the Government benches will accept it.

Mr. President : The question is—

That in new clause 37—

- (i) after the word 'incurred,' in the penultimate line, the words 'and interest in advance for one year at the rate agreed upon' be added.
- (ii) after the word 'court' in the penultimate line, for the words which follow, the following words be substituted :—
'shall disallow excess claimed by the plaintiff over interest in advance and legitimate expenses.'

The motion was lost.

Mr. Mukand Lal Puri (Punjab Industries) : Sir, I beg to move—

That in new clause 37, for the words at the end, 'the whole or any part of the sum claimed by the plaintiff,' the following words be substituted :—

'an amount not exceeding fifty per cent. of the amount entered in the entry in excess of the advance.'

The amendment of the Government confers a discretion upon the sub-judge to disallow the entire amount if he finds that the entry contains some amount which has not been advanced. My amendment proposes to limit the discretion of the judge to an amount not exceeding fifty per cent. of the amount entered in the entry in excess of the advance. I wish to draw the attention of the House to the proviso which was passed by this House, and in substitution of which His Excellency the Governor has been pleased to send this amendment. The proviso which was passed by this House was—

Provided that where the court is satisfied that any fictitious sum was added to the sum actually advanced in order to circumvent the provisions of this Act the entire sum shall be disallowed.

This proviso occurred in that part of the Bill which dealt with the rule of *damdupat*. The rule of *damdupat* lays down that no creditor shall be entitled to recover a sum by suit which would be in excess of double the principal. It was stated that in order to circumvent that rule people might put down in the principal amount some amount which was not really advanced and if the court found that the provisions of the Act were circumvented by such a collusive entry the creditor should be penalised. The amendment of His Excellency the Governor which is entirely a new clause extends beyond measure the scope of the original proposal. The amendment of His Excellency the Governor which is a new clause extends to all inclusions of fictitious items whether they were done with a view to circumvent the provisions of this Act or whether they were done inadvertently or for any other reason.

Shaikh Abdul Ghani : I rise to a point of order. As the amendment stands it is meaningless. Under the ordinary law if it is found that a certain sum was not advanced and is fictitious the court has discretion to disallow the whole amount and the amendment as it stands, restricts the discretion of the court in any case to allow 50 per cent. of the fictitious amount. That is what the acceptance of it comes to.

Mr. Mukand Lal Puri : That is not a point of order. The object of my proposal is that a sum which is not proved is to be disallowed in any case, and the court should have further the discretion to add to it a penalty not exceeding 50 per cent. of that amount. But I am digressing from the precise point which I was trying to place before the House. This House had legislated on certain particular subjects, for instance the reduction of rate of interest and prohibition of grant of a civil decree for an amount more than double the principal, and it was apprehended that the creditor and the debtor might collude to defeat some of the provisions by including fictitious items, and it was proposed as a penalty that the whole sum might be disallowed. His Excellency the Governor has instead of a compulsory disallowance of the whole amount substituted in its place a discretion to the court to allow the whole or part of it. The House will notice that the amendment of His Excellency the Governor is not confined to cases where a wrong sum has been included with a view to evade the provisions of this Act, but it applies to other cases where a wrong sum has been included for any other purpose. Those who have anything to do with the administration of justice in this country know very well that when a suit say for Rs. 20,000 is brought, the defendant generally denies that any consideration passed. Supposing at the end of the enquiry, court finds that Rs. 19,000, only passed and Rs. 1,000 did not pass and that Rs. 1,000 was wrongly included, I submit, there has been no attempt at collusion. What happens more often than not is that an item is not capable of being proved. Here is a person who lends Rs. 2,000, Rs. 1,000 on a previous bond, Rs. 50 for the purchase of cattle, Rs. 50 for redemption of an old debt and so on. Later on he is able to prove only two or three items and is not able to prove the rest.

Mr. President : There seems to be some force in the point raised by the Honourable Shaikh Abdul Ghani. The clause as proposed to be amended by the honourable member for Industries will read as follows :—

Where in a suit for the recovery of a loan the court is satisfied that an entry relating to the loan has been made in any document showing the amount of the sum advanced to be in excess of that actually advanced plus legitimate expenses incurred the court may, at its discretion, disallow—

then follows the amendment of the honourable member—

An amount not exceeding fifty per cent. of the amount entered in the entry in excess of the advance.

Suppose Rs. 100 are actually advanced. Further suppose that Rs. 200 are entered in the document, that is, Rs. 100 are entered in excess of the actual amount advanced. According to the amendment of the honourable member fifty per cent. of the excess of Rs. 100, that is, only Rs. 50 will be disallowed and the rest allowed. Is that so?

Mr. Mukand Lal Puri : That is not the entire law of the land. It is clear that if an amount is not proved to have been advanced it cannot be

[Mr. Mukand Lal Puri.]

decreed. That is not being laid down by this legislation. This legislation lays down only that the court will have discretion to disallow an amount not exceeding 50 per cent. of such fictitious entry.

Mr. President : My question is whether the amendment proposed by the honourable member, means that only fifty per cent. of the amount in excess shall be disallowed.

Mr. Mukand Lal Puri : What is to be disallowed under the general law shall be disallowed in any case. That of course does not depend upon this legislation.

Mr. President : If that is the meaning of the honourable member, I have no objection. He may proceed with his argument.

Mr. Mukand Lal Puri : This is further provision that in addition to the amount which is to be disallowed—

Mr. President : I hope the honourable member will not go astray. If what I understand, is the meaning of the honourable member's amendment, he can proceed with his argument in support of it.

Chaudhri Allah Dad Khan : The amendment of the honourable member will make the whole clause meaningless and so is out of order.

Mr. President : Now that the honourable member has explained his meaning the amendment is in order.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Is it the intention of the honourable member that matters or the language of the clause ?

Mr. President : Intention as expressed.

Mr. Mukand Lal Puri : It is hardly fair that in cases where a certain plaintiff has failed to prove a portion of the consideration—and this is what happens in most of the cases—the court should not only have discretion to disallow that portion but should have a further discretion to dismiss the entire suit. Is it wise that our courts should be given that amount of discretion ? Would it not lead the defendant to put forward false denials of receipt of consideration on the off-chance of the plaintiff not being able to prove a portion, and then he can ask the court to disallow the whole claim ? In view of the fact that the amendment recommended by His Excellency embraces contingencies and circumstances which were not within the purview of the original proviso which occurred only in the part relating to *damdapat* and which only applies to cases where a definite attempt had been made to evade the provisions of the Act, it is necessary that the penalty now proposed should be modified. If a plaintiff has not been able to prove an item of consideration, what more do you want from him than this that in addition to disallowing that item he should be penalised to the extent of fifty per cent. of that amount ?

Mr. President : The question is—

That in new clause 37, for the words at the end, " the whole or any part of the sum claimed by the plaintiff," the following words be substituted :—" any amount not exceeding fifty per cent. of the amount entered in the entry in excess of the advance."

The motion was lost.

Mr. Mukand Lal Puri : I move—

That in the new clause 37 the following proviso be added :—

“ Provided that this section shall not apply to loans secured by documents registered under the provisions of the Indian Registration Act.”

I can understand the impatience of some members with the amendments moved from these benches. I have tried in my own humble way to give thought to the matter and although I know the fate of any amendment that may be moved from these benches, yet I consider it my duty to place this amendment before the House. When the original proviso of Mian Nurullah was discussed in this House it was pointed out that it was unreasonable to penalise a creditor alone for what the debtor had principally done, because the bonds are executed by the debtors and if they contain something more than what actually passed, the debtor is principally responsible, unless of course the debtor is illiterate and the creditor writes the document. This legislation seems to be an attempt to penalise a party for what another party is responsible. I regard that certainty in the relations of debtors and creditors, or in the relations of most people is a thing to be devoutly wished for. People ought to know where they stand and they ought not to be left to the off-chance of going to one particular sub-judge or to another particular sub-judge. Therefore I say that when a loan transaction is embodied in a document which has been registered under the Indian Registration Act where the debtor has actually appeared before the sub-registrar and admitted receipt of the consideration, then in that case it should not be open to any court to disallow the entire sum which the creditor took precaution to get authenticated before a sub-registrar. This is the purport of my amendment and I think that in accepting it neither the Government nor the zamindar party will be giving up any matter of principle.

Mr. President : Clause under consideration, amendment moved—

That in the new clause 37 the following proviso be added :—

“ Provided that this section shall not apply to loans secured by documents registered under the provisions of the Indian Registration Act.”

Diwan Bahadur Raja Narendra Nath : I stand up to support the amendment that has been just moved. In some of the opinions that have been received from officials on this Bill proposals were made for securing justice to the debtors. Among those proposals I read one which said that registration should be enforced even with regard to small loans. The registration will obviate the chances of fraud and make such fictitious entries as are now made impossible. I think that the amendment proposed by my friend on my right will meet that object and should, therefore, be accepted. With these few words I support the amendment.

The Honourable Mr. D. J. Boyd (Finance Member) : Sir, I think I must oppose this amendment because the question is one purely of evidence. In the case of registered deeds undoubtedly the evidence is very much stronger in favour of what is declared in that deed than it is in the case of an unregistered deed. It is a simple question of the degree of evidence. In the case of a claim based upon a registered deed, if the court is satisfied that forged entry has been made, I cannot see what difference there is between a registered and unregistered deed. The whole question is whether the court is satisfied.

Mr. President : The question is—

That in the new clause 37, the following proviso be added :—

“ Provided that this section shall not apply to loans secured by documents registered under the provisions of the Indian Registration Act.”

The motion was lost.

Mr. Mukand Lal Puri (Punjab Industries) : I beg to move—

That in the new clause 37, the following proviso be added :—

“ Provided that this section will only apply to a loan advanced to a debtor as defined in the Act, who is illiterate.”

This will meet the objection raised on the other side and for the reasons already advanced in support of other amendments, I place this amendment for the consideration of the House.

Mr. President : Clause under consideration, amendment moved—

That in new clause 37, the following proviso be added :—

“ Provided that this section will only apply to a loan advanced to a debtor as defined in the Act, who is illiterate.”

Lala Bhagat Ram (Jullundur-cum-Ludhiana, non-Muhammadan, Rural) (*Urdu*) : Sir, I have stood up only to say that such a provision as is embodied in the clause, which Mr. Puri seeks to amend, is necessary only for those debtors who are illiterate. The literate debtors can look after their own interests. The Government need not worry about them. I think the House should have no hesitation in accepting the amendment moved by my honourable friend, Mr. Mukand Lal Puri.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : The honourable member's amendment now before the House is most reasonable and should be accepted by the House. I remember speeches were delivered on this side supporting the original amendment to the Bill. There are as a matter of fact, a very large number of people who are illiterate amongst the debtors and they do not understand the nature of the transaction and therefore they are sometimes befooled, sometimes misguided, and sometimes on account of undue pressure being brought on them they are unable to satisfy the money-lenders. Now the amendment proposed is a reasonable one. People who are educated may not fall into the hands of the money-lenders. Suppose two people absolutely on the same footing, a money-lender on the one side and a debtor on the other, both educated, enter into a transaction with their eyes open. If they are guilty, both are guilty. But while the law punishes the creditor, the law has no punishment for the debtor. On the one hand the creditor lends the money and at the same time he is penalised mainly for the fault of the debtor who executes the deed. I cannot possibly understand this. Of course that is now passed. The solemn transactions made before the registrar are not to have the sanctity which should attach to them. But in the case of a literate, educated man when he goes and gets a document executed before the registrar, I do not see why there should be any kind of protection for him or the penalising of the debtor in that respect. You will understand, I am now talking of the present motion, that when money is paid by a creditor before the sub-registrar by means of a deed, the deed forms the evidence. On the other side the debtor is an educated person. The money is paid before the sub-registrar which means that the money would be returned afterwards and the creditor is liable to be penalised if it is not returned. Otherwise

it is the duty of the sub-registrar to count the money and to see that the full consideration is paid, and the courts can only hold that there has been excess if it is proved that the money was returned. Now in the case of an illiterate debtor if the money is returned by him, is the creditor going to be penalised? You say that the courts are not going to be so foolish. But you know the mentality of the courts at present. Courts presided over by Judges belonging to agricultural tribes do not mete even-handed justice.

The Honourable Mr. D. J. Boyd: I must protest against it. I do not think the honourable member can cast any aspersions on the courts.

Mr. Nanak Chand Pandit: I am only talking of the communal bias that is to happen in the future. I am not talking of the past.

Mr. President: The honourable member will please withdraw those words.

Mr. Nanak Chand Pandit: Very well, I withdraw. With regard to the future one is liable to say that such a thing might happen under the communal pressure, and this has been stated in the various memoranda presented to the Joint Parliamentary Committee. Under the communal pressure and under political pressure justice might sometimes go astray, and therefore I say that in the case of an illiterate debtor there is absolutely no justification that a penalty should be provided for. The House should carefully weigh the amendment moved by my friend, and to which no satisfactory reply has been given by anybody. We are certainly entitled to know the reasons why the Government in the case of literate debtors is not going to accept a very reasonable amendment proposed by Mr. Mukand Lal Puri, and especially, as I said, where the documents are registered and the money is paid before the sub-registrar. Here in the case of a document which has been registered and where the money has been paid before the sub-registrar and a literate debtor afterwards goes and returns, why should there be any penalty for the creditor alone? I would therefore very respectfully submit to the Government that so far as literate debtors are concerned, an exception should be made in their case.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhammadan, Rural) (Urdu): Sir, every measure is supported by some people and opposed by others, but it has been the misfortune of this Bill that it has met with uniform opposition from those benches throughout the time it has been on the anvil of this Council. I, for one, have not been able to understand why my bania friends have been so averse to the passage of this Bill. Perhaps it is their old habit that they try to hurt those who do good to them. The zamindars have been their helpers and supporters in all times of need, and now they are giving proof of their evil nature by opposing this measure which is intended to relieve zamindars from distress. I think whosoever does good to these people commits a grave blunder. The Government was the first to commit this mistake. It gave these people important offices in all important departments, and now they are striving hard to undermine the foundations of the Government itself.

Mr. President: The whole Bill is not under consideration. Only the amendment of Mr. Puri is before the House.

Chaudhri Muhammad Abdul Rahman Khan: I am coming to that. It is now asked that the application of the clause should be confined to the

[Ch. Muhammad Abdul Rahman Khan.]

illiterate people only. But my submission is that the crafty sabukar is even more wily than most of the highly educated people. Have you not heard the proverb so well known in rural ilaqa?

آٹھ آٹھ—آٹھ تھتھیار—آٹھ کٹھیارے تے آٹھ سنیار
آٹھ چوکا بندری تے بنیا اک مازا جیہا شاہوکار کہتری

(Laughter).

Every law, I beg to point out, should be made of general application since it is conceived in the interest of all alike.

Mr. President : Gentlemen, I invite your attention to the fact that the honourable member is talking irrelevance.

Chaudhri Muhammad Abdul Rahman Khan : Khattris are the most crafty amongst all sections of people. We cannot trust them, hence the necessity of the provision which Mr. Puri seeks to amend.

Mr. Nanak Chand Pandit : On a point of order, Sir. The honourable member should not abuse Khattris, Jats and others in this way, but talk to the amendment. He is not talking to the amendment. He has not understood its meaning even.

Chaudhri Muhammad Abdul Rahman Khan : I want that the provision should remain as it is, and it should apply to the illiterate and literate alike.

Mr. President : The question is—

That in new clause 37 the following proviso be added:—

“ Provided that this section will only apply to a loan advanced to a debtor as defined in the Act, who is illiterate.”

The motion was lost.

Mr. President : The question is—

That the following general provision be adopted as a new clause at the end of the Bill:—

“ 37. Where in a suit for the recovery of loan the court is satisfied that an entry relating to the loan has been made in any document showing the amount of the sum advanced to be in excess of that actually advanced plus legitimate expenses incurred, the court may, at its discretion, disallow the whole or any part of the sum claimed by the plaintiff.”

The motion was carried.

GOVERNMENT'S DEMANDS FOR SUPPLEMENTARY GRANTS.

The Honourable Mr. D. J. Boyd (Finance Member) : Sir, I have to announce that the demands which I move are recommended by His Excellency the Governor.

GENERAL ADMINISTRATION (RESERVED).

The Honourable Mr. D. J. Boyd (Finance Member) : Sir, I beg to move—

That a token sum not exceeding Rs. 10 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of General Administration (Reserved).

The motion was carried.

HYDRO-ELECTRIC WORKING EXPENSES.

The Honourable Mr. D. J. Boyd : (Finance Member) : Sir I beg to move—

That a token sum not exceeding Rs. 10 be granted to the Punjab Government (Ministry of Local Self-Government) to defray the charges that will come in course of payment for the year ending the 31st of March 1935 in respect of Hydro-Electric Working Expenses.

The motion was carried.

FAREWELL BY THE HONOURABLE CAPTAIN SIRDAR SIR
SIKANDER HYAT-KHAN.

The Honourable Captain Sirdar Sir Sikander Hyat-Khan (Revenue Member) : Sir, as I would probably be leaving the province to take over the duties of my new appointment before the Council meets for the Budget Session, this is perhaps the last meeting of this Council which I shall have the privilege of attending. I, therefore, with your permission, Sir, wish to take this opportunity of expressing my sincere thanks and gratitude to everyone of my colleagues in this House for their uniform courtesy and kindness and for the support which they have always extended to me. I am particularly indebted to the Leader of the Unionist Party and other members of that party for giving me their support even though I have been working on the Reserved side of the Government. In this, Sir, I am no less indebted to my friends on my right as also the Sikh Party for the consideration and courtesy which I have invariably received from them and for their support ungrudgingly given, whenever I have been in need of it. I am in particular deeply indebted to my revered friend the Raja Sahib for whom I have always had great respect and regard (*hear, hear*). His culture and frankness naturally attracts every one to him, but to me he has been more than a friend, he has been like a father. He was a great friend of my late father, and for that reason alone I have always held him in great esteem and respect. His unstinted support and invaluable assistance to me during the five years I have been in charge of my portfolio have naturally enhanced my regard for him. For the sympathy and support which he and his party have always extended to me I thank them most sincerely. I must not forget my official colleagues on these benches. The little that I have been able to do while I have been in office, is mainly due to the kindness and courtesy and the loyal support and advice I have received from them. It is due to the sympathetic guidance and co-operation of my official colleagues that I, a layman, have been able to discharge the onerous duties of my office. Nor can I forget the courtesy and kindness of my colleagues of the cabinet. We have throughout our association been like a happy family, and it is with the greatest regret that I would part with such kind friends. And last but not the least I have to thank you, Sir, and to express my gratitude for the uniform courtesy and kindness you have shown to me and for the guidance and inspiration you have given me in the discharge of my duties as the Leader of the House. Sir, throughout my connection with this Council, which has been a long one, first as a non-official and later as a member of the Government and for the last five years as the Leader of this Honourable House, I have received nothing but kindness and courtesy from all sides. It is therefore with the

[The Hon'ble Captain Sardar Sir Sikander Hyat-Khan.]

deepest regret and with a very heavy heart that I take leave of you. My leaving this province, which I love, will be a big wrench, and I need hardly assure you that it is with the greatest reluctance that I accepted my appointment as Deputy Governor of the Reserve Bank. I have accepted it in the hope that I may be able to come back some day to the service of my province again (*hear, hear*), when perhaps you may have started on the new venture. But let me assure you that wherever I happen to be, Punjab will always be uppermost in my thoughts. I shall carry with me very happy memories of my associations with you all, including my friend Sardar Abnasha Singh, the Secretary of this Council, and Hakim Ahmed Shujaa. I would be guilty of ingratitude if I did not thank them for their help and assistance, particularly in the matter of procedure, whenever we have been in need of assistance, and I and my colleagues have invariably received nothing but courtesy and useful advice. Wherever and in whatever capacity I happen to be I shall always remember our happy association, and I shall carry with me feelings of deep and abiding debt of gratitude to all my colleagues in this House and outside, and my good wishes and prayers for the success and prosperity, under the new dispensation, of this great province of ours, will always be with you and those who may later be associated with you in the great task which lies before us. (*Prolonged cheers*).

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : In accordance with the practice of the House the Honourable the Leader of the House should have asked the permission of the House to leave us (*laughter*). He has not done so. However, I can look upon this farewell speech as an application for leave, and he should avail of it with the reservation which I put on it. Only the other day an eminent official of the Government of India referred to the variety of experience of Sir Sikander. He has served in the Army, he has been a very able and successful administrator in the Revenue Department, and he has acted with credit to himself and to all of us twice as Governor of the province. He probably wanted to add another item to that variety of experience, and he has agreed to go to the Government of India as a Deputy Governor of the Reserve Bank. Well, I am sure that that experience, that financial experience would not only be of considerable use to him, but that he would be able to place that experience at our disposal, and that we will be able to utilize it. I, therefore, put the qualification that he may be allowed to go only for a couple of years and no more. (*Hear, hear*). He should come back to us with the new constitution. For certain a man of his breadth of view and his wide experience will be needed to be at the helm of affairs when the new constitution is worked. (*Hear, hear*). If you will permit me I will make a personal reference also. As long as he has been in office and as long as he has kept the high office of Revenue Member, I have felt as if I was myself in office. I have freely resorted to him on all matters on which I have felt any doubt, and I am glad to say that he has always received me and received my representations with the greatest courtesy and consideration. At times I have differed, but there are occasions when a man differs even from himself. According to modern psychology we have two departments of consciousness, conscious self and the sub-conscious self and there may be a divergence of views between the sub-conscious self and conscious self. So my differences with him may

be viewed in that light. I have already referred to our associations, and it has been the greatest pleasure to me that the son of my late friend and whom I myself regarded as one of the younger brothers of my father has distinguished himself so well. In fact, it gives me special pleasure that all the members of his family have justified the great name which belongs to the family. I am not a man of many words but I certainly conclude my short speech by another appeal to him that he should come back to us and give us the benefit of financial experience which he will derive in his new appointment. I am sure that the destinies of the province would be safe in his hands when the province has to be worked on autonomous lines (*hear, hear*). I wish him success in his new career, and I hope that he will achieve it, but it must be qualified with the reservation to which I have already referred (*hear, hear*).

✓ **Rao Bahadur Chaudhri Chhotu Ram** (South-East, Rohtak, non-Muhammadan, Rural): Sir, I always find it very difficult to praise anybody to his face, and I find it still more difficult to praise a friend to his face. But there is a certain amount of latitude here in this respect, and I, therefore, in a few brief words would pay my humble tribute to the rich qualities of head and heart which our friend the Honourable Leader of the House possesses. I do not know much about the time that he spent in school and college, but I have known him for the last 12 or 13 years. I first came to know him as a private member of this House. As such he discharged his duties efficiently and conscientiously. While he was still a private member he served with distinction on the Police Enquiry Committee. Then again when the Simon Commission came out to this country, he was elected by this House to the Provincial Franchise Committee as a member. He was later elected by all of us unanimously as chairman of that committee. On that committee also he discharged his duties with great skill and great ability. After a couple of years he was called upon first temporarily and then permanently to fill his present office where he discharged his duties with the same consummate skill which he had shown in other capacities. He has been a very successful Leader of the House for five years. We all know what he has done for the province as Revenue Member. The time during which he held the reins of office in this capacity has been very difficult indeed. We have had failures of rains, we have had failures of water-supply in canals, and we have had droughts and floods, locusts and frosts. All these things have

6 P. M.

combined to do a great deal of harm to the peasantry of the province and to the revenues of the province as well. While the revenues of the province were on the downward path it fell to the Honourable Sir Sikander Hyat to look after the earning departments of the province. He gave remissions more freely than we had ever received before. But in spite of those remissions he kept the revenue resources of the province in a sound condition and worked in combination with the Finance Department and the Honourable the Finance Member with very excellent results. That is a record of which anybody might feel proud. For his manners, his gentlemanliness, his qualities of head and heart, his culture, refinement and very broad sympathies for which Raja Sahib has paid him a well deserved tribute, we all honour him and hold him in the highest possible esteem. And it is really a great regret to all of us that he should be absent from the province even for a temporary period.

[R. B. Ch. Chhotu Ram.]

However, the thought that he is going out as Deputy Governor and will learn there all that is necessary for understanding the secrets of finance is a great consolation to us because when he returns after a couple of years to his own province he will return better qualified for the department of finance than there is anybody at present in view. As we have been assured by himself that he will return to the province—and will return better fitted for the duties which he may again be called upon to undertake—we may now reluctantly bid him farewell in the hope that he will soon come back to us. (*Applause*).

Sardar Bahadur Sardar Buta Singh (Multan Division and Sheikhpura, Sikh, Rural) : I too wholeheartedly associate myself with the remarks made by the previous speakers. The other day we were discussing the Joint Parliamentary Committee's report and much was said against certain safeguards. But I can assure honourable members here that if a person like Sir Sikander Hyat, our Leader of the House, were at the helm of affairs no safeguards would be required. I can remember many an occasion when any chance occurred to him he was always ready to give very sound advice. With a heart full of sympathy he was prepared to listen and try to remedy the grievances represented to him. I think, Sir, you have not so far adjourned the House, and I want to move an amendment to the proposal of the honourable Raja Sahib if the rules of this Council allow it. Raja Sahib has made a proposal that Sir Sikander Hyat should return to us after two years. I wish to make it one year. I think I am speaking on behalf of all honourable members when I say that during the inauguration of the new reforms such a person should be here to guide us and to take us to the destinies which are in store for our province. I do not think any long speech is required. Our heart wherever he goes will be with him and our prayers will follow him everywhere. I wish him success on behalf of the Sikh members of this Council. (*Cheers*).

The Honourable Sardar Sir Jogendra Singh (Minister for Agriculture) : I have known Sir Sikander Hyat as a private member, as a Revenue Member and a colleague and then as our chief. Whatever position he has held he has inspired confidence and brought a spirit of harmony with him. Our relations in the cabinet have been most harmonious, and we know more than the outside world knows how he has worked for the province and for the agricultural classes. His interest in the welfare of agricultural classes is shown in the measures he has taken both in the matter of water rates and remissions of land revenue. It is not only that. The credit must remain with him in starting a new land revenue policy which has been now initiated and to which the Governor of the province gave expression in a speech that he made at Lyallpur. Sir Sikander Hyat has not been mere official, but he has been the ambassador of Hindus, Muslims and Sikhs in the Government. He has been free from that communal colour which overshadows political thought in the Punjab. His one endeavour has been to unite all communities and work together, and not only to work together but to provide foundations through joint electorates from which unity may flow. In losing him we are losing more than we know, even though we lose him for a short period; we are losing the one great centre of unity. He is the one man at present in the Punjab who carries

confidence of all communities, and I have no doubt that when the new constitution comes, he could have organised united party which would render safeguards inoperative.

I have reconciled myself to his going on one consideration only, and that is that the Reserve Bank is now going to deal with the whole credit system of India and that credit system is going to affect even agricultural prices and agricultural credit. In Sir Sikander Hyat we will have an advocate who will see that the agricultural credit and agricultural prices under the new dispensation receive their due consideration. I need only say that all his colleagues join me and wish him every success in his new appointment and we hope that when he returns to the Punjab he will come rich in knowledge, rich in endeavour and, what is more, ready to consecrate all his experience and knowledge in the service of his motherland. (*Applause*).

Mr. C. C. Garbett (Chief Secretary) : The Honourable Finance Member has delegated to me the proud duty of adding on behalf of my colleagues, the official members of this House, our tribute of appreciation and our meed of praise of Sir Sikander. Like the Raja Sahib I can claim that I and my family have very long associations with him and his. For I find that in the year 1874 my father and his were brother members in the same Masonic Lodge of Lahore. And it is now some ten years since, I rather tremble to think, I was in a position of authority over him as a district magistrate when he was one of my brilliant honorary magistrates. But I look back especially to that part of his career when I had the honour of being Chief Secretary to him, our first Indian acting Governor and that on two occasions. Few of you in this House probably realise how extremely difficult those times were. I think that having regard to the considerable period that has since elapsed, I can safely divulge the secret that within a few days of his ascending the *gaddi*, the then deputy commissioner of Amritsar and the then deputy commissioner of Lahore, each reported officially to Government that they felt the chances were, there would be very, very serious riots in each of those big centres. So much so that those in authority above us were seriously perturbed. The oil which Sir Sikander spread upon those troubled waters resulted immediately in the calm and peace which you experienced. The work, the knowledge, the understanding that was behind it those of us who were closest to him best appreciated. (*Cheers*). I need only say I used to wonder whether really some special grace was given to these Governors. You must admit that the standard, the touchstone by which Sir Sikander was proved, was that of Governor of a very, very high calibre. I have worked with Sir Geoffrey, and I have worked with Sir Herbert, and I have also worked with Sir Sikander. And yet I found in him exactly the same marvellous faculty that the other Governors had of putting a situation that appeared to be wrong right with what seemed the slightest touch. Drafts that were awry, counsels that were misdirected, he with the extreme wisdom that was at his command would set right with a few words here and a few words there, giving just that confidence to his staff that made it worth while working day and night, if necessary, and it was necessary sometimes in those very very difficult days. It was a proud experience for all of us to work with our first Indian Governor and a Governor of that calibre. (*Cheers*). He is going and all of you have made references to his going. There is no question, I think, to any of us who have had much

[Mr. C. C. Garbett.]

experience of life that the acquiring of new experiences is always wise. And he will come back to us not necessarily in a year, not necessarily in two years, but definitely in the fulness of time. The Raja Sahib also said something about psychology. Modern psychology teaches us that words are not a mere sending forth of vibrations in the atmosphere, but that thoughts and feelings have a penetration which in the old days was seldom understood. There is something almost tangible in real sympathy and real understanding of real friends. So Sir Sikander may know that in addition to all the friendship of all his friends of this country and all his political associates on the benches in front and on my side to the right, he carries with him the sincere sympathy, good wishes and so far as there can be the willing support and thought of all of us, a support which we hope will be for him an additional strength should he so require it. (*Applause*).

Mr. E. Mayadas (Non-official, nominated): On behalf of the community I have the honour to represent I associate myself heartily with what has been said. Sir Sikander rose to the Revenue Membership and he rose to be Governor, but inspite of rising so high he remained a humble man, and I always felt that he was like a brother that could be trusted.

Khan Bahadur Mian Ahmad Yar Khan Daulatana (Muhammadan Landholders): With the permission of the Leader of our party I just want to express our party's and my constituency's feelings on this occasion in a verse which just comes to my mind. Addressing Sir Sikander we say—

عزم سفرے کردی و رفتی زہو ما
بسنی کمر خوتر و شکر کمر مائی

"You have decided to take journey and go from our midst. You have put on your armour and broken our backs."

Mr. President: Gentlemen, all of you have praised Sir Sikander Hyat Khan's work, courtesy and treatment so highly, that nothing more remains to be said. I will, therefore, say only a few words on my own behalf. You will all agree that Sir Sikander's departure is a great loss to us. He is one of the best men of the Punjab, and we shall miss him very much. Both as an administrator and as a politician as well as a friend he has won the praise and good opinion of all those who have come in contact with him. My own relations with him have been most close and cordial, ever since we have formed each other's acquaintance. I shall miss him both as the Revenue Member and as a friend, and hope that he will not forget me and his other friends. We all agree that by his ability, tact and skill he has won the heart of everyone with whom he has had anything to do. As Revenue Member and Leader of the House and before that as an ordinary member of the Council, he won the praise and good opinion of every one who knew him. After the great man of the Punjab—I mean Sir Fazl-i-Husain, who used to sit with us in this very chamber,—we had in Sir Sikander the best substitute for the great man. Therefore, we are extremely sorry that we are going to miss him. However, I firmly hope that we will get a worthy successor of his. He will take our good wishes with him, while our prayers for his success in the new sphere of life will follow him.

The Council then adjourned sine die.

APPENDIX A.
(*Vide page 610 ante*).

I.

Statement showing the action taken by Government on resolutions passed by the Punjab Legislative Council since November 1933.

Serial No.	Terms of resolutions passed.	Volume No. and page of Legislative Council Debates.	Action taken.
1	This Council recommends to the Government that the present system of placing on contract the printing of the publications of the Punjab Text Book Committee be discontinued by the end of next financial year.	Volume XXIV, pages 1158—82.	A Committee was appointed to examine the existing system of prescribing and providing books for use in schools and to suggest remedies for the defects disclosed. It has almost concluded its discussions, and will meet again for its final meetings on the 19th and 20th October 1934 when it hopes to sign its report and submit it to Government.
2	This Council recommends to the Government to convey to His Majesty's Government the strong feelings of this House that the passage of the new Government of India Act should be expedited so as to enable elections under the new constitution to be held not later than the end of 1935.	Volume XXIV, page 1182.	The resolution was forwarded to the Government of India for transmission to the Secretary of State.

II.

Statement showing the action taken by Government on cuts made by the Legislative Council in original and supplementary demands presented to the Council since November, 1933.

Serial No.	(i) Major head. (ii) Minor head. (iii) Sub-head.	Reasons for reduction.	Amount of reduction.	Volume, No. and page of the Punjab Legislative Council Debates.	Action taken by Government.
1	5-Land Revenue	To urge the necessity of changing the <i>malikana</i> rates now in vogue in the province.	Rs. 100	Volume XXIV, pages 515-22 and 546-50.	Government intend to issue a resolution explaining the whole subject regarding the assessment of <i>malikana</i> in canal colonies. It is pending decision on the rate of <i>malikana</i> to be charged from the non-official reward grantees and landed gentry grantees in L. C. extensions and Benala life area of L. B. D. Q. for the <i>Babi</i> and <i>Kharif</i> harvests 1933.
2	Ditto	To urge the reduction of 25 per cent. of the Land Revenue.	1	Volume XXIV, pages 551-63.	Government were unable to agree to the necessity of a general reduction of 25 per cent. in the land revenue demand. They have, however, followed the policy of giving special remissions on account of low prices.
3	22-General Administration (Reserved).	To draw attention to the inadequacy of the travelling allowance of the members of Punjab Legislative Council.	1	Volume XXIV, pages 808-20.	The rate of daily allowance in the plains administration to members of the Punjab Legislative Council has been increased from Rs. 10 to Rs. 12.
4	Charges on Irrigation Establishment (Reserved)—Open Canals.	To bring to the notice of the Government that a large area of land has become waterlogged and <i>Kalar</i> and urge that steps be taken to remedy this.	1	Volume XXIV, pages 771-78.	A comprehensive drainage scheme covering the waterlogged area is at present being worked out in the Irrigation Department; the estimated cost of which is in the neighbourhood of Rs. 38 lakhs. The construction of the drains provided in the scheme will have to be spread over several years, for reasons mainly financial. Priority will, however, be given to those drains which serve the most affected areas. In two cases at least, viz., near Sargodha in the Shalpur district and South of Chuharkana in the Sheikhupura district it is hoped to commence work in the winter of 1934-35. Work is already in progress on an important drain in the Gujrat district and in the Gujranwala district near Akalgarh.

PUNJAB LEGISLATIVE COUNCIL.

APPENDIX B.

Final answers to questions for which *ad-interim* replies are printed in Volume XXV of Council Debates.

ANSWERS TO STARRED QUESTIONS.

NAL-CHAH IN SONEPAT AND JHAJJAR TAHSILS.

(Answer to Question No. 3278, page 31 ante.)

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : The attached statement furnishes the information required :—

Statement showing information regarding Nal-Chah in Sonapat and Jhajjar tahsils.

Name of Tahsil.	Number of irrigation wells which have ceased to be used as such or have become un-serviceable for the purpose of irrigation since 1924 or 1925.	Number of wells on which the amount of <i>Nal-Chah</i> has not been remitted.	Total amount of <i>Nal-Chah</i> realised in respect of these wells during the period of desuetude.	REMARKS.
1	2	3	4	5
Sonapat ..	187	23	Rs. 2,110	
Jhajjar ..	101	19	1,624	
Total ..	288	42	3,734	

1. The 23 wells noted against Sonapat tahsil are in good condition and fit for use.
2. Out of the 18 wells in Jhajjar tahsil 17 are in good order and fit for use. Action for remitting the *abiana* on the remaining two is being taken.

WATER CHANNELS FOR IRRIGATION.

(Answer to parts (b), (c) and (d) of Question No. 3354, page 120 ante.)

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (b), (c), and (d). Government have decided not to take any action in the matter for reasons already given on the 27th June, 1934, in the answer to part (g) of Council question No. 3353¹ put by the honourable member.

SELECTION OF SUB-JUDGES.

(Answer to Question No. 3374, page 132 ante.)

Mr. C. C. Garbett (Chief Secretary) : The attached statement furnishes the details asked for :—

¹Pages 119-20 ante.

Statement.

Serial No.	Name.	Caste.	District of origin.	The position obtained on the list of successful candidates.	Division in which the L.L.B. examination was passed.	Whether related to a judicial officer and if so, the exact description of relationship.	Whether member of ministerial establishment.	REMARKS.
1	Madan Mohan Singh	Ahluwalia	..	1st	1st	Nil	No.	
2	Chetan Das	Jain Aggarwal	..	2nd	1st	Nil	No.	
3	Basant Lal	Vaish Aggarwal	..	3rd	2nd	Nil	No.	
4	Sewa Singh	Ahluwalia	..	4th	1st	Nil	No.	
5	Aziz Ahmed	Rajput Jat (Waraich).	Shahpur	6th	2nd	Nil	No.	
6	Harcharan Das	Khatri, Loombe	Ludhiana (born Saharanpur).	6th	1st	Nil	No.	
7	Gyan Das	Jain	..	7th	1st	Nil	No.	
8	Muhammed Iqbal Cheema.*	Cheema Jat	..	26th	1st	Son of Munsif and brother of Sub-Judge.	No.	
9	Sultan Khan	Gugh	..	32nd	1st	Nil	No.	
10	Muhammed Siddique	Araiz	Jullundur	35th	1st	Nil	No.	
11	Amar Nath Bhanot	Indian-Christian	Amritsar	74th	1st	Nil	No.	*Chaudhri Muhammad Iqbal Cheema has not been passed fit by the Medical Board and will be examined again by the Board in October, 1934. He was not selected because of his relationship to a judicial officer but because of the position obtained in the qualifying examination.

**HINDI AND SANSKRIT CLASSES IN GOVERNMENT HIGH
SCHOOL, BHAKKAR.**

(Answer to Question No. 9414, page 163 ante.)

The Honourable Malik Sir Firoz Khan Noon : (a) No.

(b) Does not arise.

(c) The number is shown in the statement attached.

(d) No.

(e) No.

(f) On 4th October, 1926. Only one Hindu teacher was replaced by a Muslim through a mutual exchange of appointments.

(g) Yes. He teaches Sanskrit to VII—X classes and Hindi in the High Department. He made no statement of any kind to the Headmaster or the Inspector.

(h) No.

The number of Sanskrit and Hindi students in each class on the 1st March during the last five years is given below :—

Year.	7th.	8th.	9th.	10th.	Total
SANSKRIT.					
1929-30	15	13	6	7	41
1930-31	12	11	7	3	33
1931-32	21	11	4	4	40
1932-33	21	9	4	2	36
1933-34	19	14	3	2	38
HINDI.					
1929-30 .. .. .	..	..	9	5	14
1930-31 .. .. .	..	..	14	5	19
1931-32 .. .. .	..	..	7	3	10
1932-33 .. .. .	..	..	3	2	5
1933-34 .. .. .	..	..	2	2	4

LICENSING OF PREMISES IN SIALKOT MUNICIPALITY.

(Answer to Question No. 9418, page 166 ante.)

The Honourable Dr. Gokul Chand Narang : (a) It is understood that a number of applications of the kind in question have been received by the municipal committee.

(b) Not yet.

(c) The municipal committee of Sialkot has passed a resolution that other premises should be licensed as well as the shops in the municipal market. The issue of the licences will be made by the Executive Officer of the committee.

INSOLVENTS.

(Answer to part (a) of Question No. 3897, page 151 ante.)

The Honourable Mr. D. J. Boyd : (a) A statement is laid on the table :—

Statement.

District.	1921.	1922.	1923.	1924.	1925.	1926.	1927.	1928.	1929.	1930.	1931.	1932.	1933.
Hissar	6	7	8	13	42	12	60	35	48	36	75	42	36
Gurgaon	2	12	1	1.	2	5	9	14	7	6	16	8	4
Karnal	18	6	21	3	13	16	33	64	56	17	41	34	27
Rohatak	9	6	21	11	15	17	28	35	38	28	22	29	17
Ambala	24	16	13	28	23	67	38	22	43	62	60	92	88
Simla	..	3	..	6	7	7	13	8	14	16	19	37	28
Hoshiarpur	..	4	..	11	10	32	32	74	52	60	49	143	136
Kangra	5	4	1	..	4	6	6	3	10	4	39	58	59
Jullundur	3	19	17	22	34	42	27	31	42	42	75	72	117
Ludhiana	8	5	4	3	7	9	7	31	32	26	36	92	91
Ferozepore	33	48	40	44	70	109	121	156	82	65	129	85	165
Lehore	40	43	92	82	106	185	106	196	218	222	234	187	397
Amritsar	19	26	27	28	49	41	51	48	119	114	115	156	282
Gurdaspur	13	14	9	18	40	45	49	57	70	119	189	218	204
Sialkot	10	8	5	11	27	83	124	64	67	65	72	106	64
Gujranwala	7	9	24	13	24	25	34	48	61	83	136	184	155
Gujrat	..	..	..	..	..	..	20	38	42	83	35	68	44
Shahpur	5	12	14	27	20	22	26	42	63	113	159	93	118
Jhang (Civil)	7	12	18	26	33	46	43	56	32	53	80	130	82
Jhelum	2	7	10	15	28	13	11	60	29	41	41	57	27
Rawalpindi	4	3	10	13	22	29	35	54	39	39	58	31	36
Attock	1	2	..	10	12	14	20	8	13	41	46	48	26
Mianwali	3	3	6	13	14	20	26	23	53	24	42	77	52
Montgomery	7	23	27	18	18	6	95	112	70	68	61	64	44
Lyallpur	20	67	11	47	12	13	15	204	17	66	112	180	170
Sheikhpura	..	..	..	17	12	8	9	22	24	14	12	92	185
Multan	25	19	33	14	18	13	15	23	27	83	78	84	74
Muzaffargarh	19	5	3	4	15	8	10	41	102	29	36	32	36
Dera Ghazi Khan	1	..	5	..	3	2	20	9	1	2	7	4	2

APPENDIX.

DEPRESSED CLASSES MEMBERS IN MUNICIPAL AND DISTRICT
BOARDS.

(Answer to Question No. 3423, page 167 ante.)

The Honourable Dr. Gokul Chand Narang : There are members belonging to the depressed classes on the following municipal committees and district boards (one member each) :—

1. The Municipal Committee, Jhajjar.
2. The Municipal Committee, Ambala.
3. The Municipal Committee, Sadhaura.
4. The District Board, Hoshiarpur.
5. The Municipal Committee, Kartarpur.

TRAVELLING ALLOWANCE FOR ATTENDING THE MEETING OF THE
PUNJAB RECLAMATION LEAGUE.

(Answer to Question No. 3431, page 171 ante.)

The Honourable Mr. D. J. Boyd : (a) 1st part. Six Government officials from outstations and about 150 criminal tribesmen attended the meeting.

2nd Part. None. Their attendance was voluntary.

(b) and (c). The meeting of the League was arranged during the days when the Provincial Tournament, the Industrial Exhibition and the Annual Prize Distribution of the Department were to be held and Government officials were to be present in connection with these functions. They drew their travelling allowance from Government as usual. This charge was a legitimate one.

(d) The criminal tribesmen were not ordered to attend the meeting, but a notice of the meeting was circulated to those who were members of the League. A number of them who had come to attend the Tournament and to receive prizes took the opportunity of attending the meeting of the League also. In the circumstances, the question of compensation does not arise.

HINDU WATERMAN FOR THE GUJRAT COLLEGE.

(Answer to Question No. 3437, page 231 ante.)

The Honourable Malik Sir Firoz Khan Noon : (a) No. The College had four Hindu menials, of whom one, the junior-most chaukidar was removed from service when one of the posts of chaukidars was retrenched under Director of Public Instruction's orders. This man had to his credit a service of one month and twenty-one days as compared with the other two chaukidars, one of whom was an ex-serviceman with an approved service of

six years and four months and the other with two years and seven months. The latter also has the additional qualification of having read upto the Matriculation standard.

(b) No. The Hindu staff and the non-Muslim students did not face any inconvenience since satisfactory arrangements for the supply of drinking water and other needs of the Hindu staff during college hours exist in the College, water for Hindus being supplied by a Hindu.

(c) Does not arise.

PATWARIS IN TAHSIL DASUHYA.

(Answer to Question No. 8444, page 234 ante.)

The Honourable Sir Miles Irving : (a)—

Year.	DISMISSED.			REDUCED.			SUSPENDED.			FINED.			TOTAL.		
	Muslims.	Hindus.	Sikhs.	Muslims.	Hindus.	Sikhs.	Muslims.	Hindus.	Sikhs.	Muslims.	Hindus.	Sikhs.	Muslims.	Hindus.	Sikhs.
1931	1	..	..	1	..	..	5	..	..	7	..	..
1932	7	3	1	7	3	1
1933	..	2	..	..	..	..	..	1	..	9	2	1	11	3	1
Total	..	2	..	1	..	..	1	1	..	21	5	2	28	6	2

MONOPOLY FOR PLYING LORRIES ON HIRE.

(Answer to Question No. 3449, page 236 ante.)

The Honourable Captain Sirdar Sir Sikander Hyat-Khan: (a) There is no district in which a monopoly has been given to a single company or firm for plying motor vehicles on hire throughout the district. On certain hill roads it has been found desirable in the interests of safety to restrict the number of licences issued. In the case of one hill road maintained by

Government, that from Hoshiarpur to Bharwain, the licences are held by a single firm. On no other road maintained by Government in the Province does such a monopoly exist. In addition, vehicles plying on certain District Board roads have been restricted to those belonging to a single firm. A list of such cases is laid on the table.

(b) I am not clear if by "licence" the honourable member means "monopoly". If he will enlighten me on this point, I will have the information collected.

(c) The matter is at present under the consideration of Government and I regret that I am not in a position to make a final statement at the present moment.

List of firms having a monopoly for plying lorries on hire.

1	2
	DISTRICT BOARD ROADS IN THE DISTRICT AS WHICH MONOPOLY HAS BEEN GIVEN TO A SINGLE COMPANY OR FIRM AND THE PERIOD FOR WHICH THE MONOPOLY HAS BEEN GIVEN.
District.	Roads other than hill roads.
	Hill roads.
	Name of the road.
	Period of monopoly.
	Name of the road.
	Period of monopoly.
Hoshiarpur	<p>1. Una-Guzernangal ..</p> <p>2. Una-Gagret vic Iapur ..</p> <p>3. Deulapuri-Jowar, via Gagret.</p> <p>4. Garhahankar-Nurpur ..</p> <p>1. G. T. Shala-Kahuta ..</p> <p>2. Rawalpindi-Charah Leh-tran.</p>
Rawalpindi	<p>No period fixed. Monopoly is subject to satisfactory service.</p> <p>1st April, 1934 to 31st March, 1935.</p> <p>15th July, 1933 to 14th July, 1938.</p>
Mianwali	<p>1. Rewat-Takhpuri ..</p> <p>2. Missa-Narali Kuntrila ..</p> <p>3. Mandra-Chakwal ..</p> <p>4. Lubani-Sagri ..</p> <p>5. Rewat-Baseli ..</p> <p>6. Mandra-Kallian ..</p> <p>7. Gujarkhan Bewal-Kallian</p> <p>8. Rewat-Banda-Adhwal-Chauntra.</p> <p>9. Rawalpindi-Dhalla Chauntra.</p> <p>1. Mianwali-Mari road ..</p> <p>2. Kalabagh-Isakhel road ..</p> <p>3. Massan-Chakrula ..</p> <p>4. Chakrula-Dhak Pass ..</p>
	<p>1st April, 1934, to 31st March, 1935.</p> <p>Ditto.</p> <p>Ditto.</p> <p>Ditto.</p> <p>Ditto.</p> <p>Ditto.</p> <p>1st November, 1933 to 31st October, 1936.</p> <p>1st April, 1934 to 31st March, 1935.</p> <p>Ditto</p> <p>1st July, 1932 to 30th June, 1936.</p> <p>8 years from the date of filing agreement.</p> <p>1st March, 1934 to 28th February, 1937.</p> <p>1st June, 1934 to 31st May, 1937.</p>

Gujrat	..	Ni	..	1. Gujar-Bhimber .. 2. Gujar-Awan Sharif .. 3. Baha-ud-Din-Qadriabad .. 4. Baha-ud-Din-Lala Musa .. 5. Dinga-Kharan ..	3 years from April, 1932. Ditto. Ditto. Ditto. Ditto.
Jhelum	..	Ni	1st April, 1934 to 31st March, 1936. Ditto. Ditto. Ditto. Ditto. Ditto. Ditto. Ditto. Ditto. 1st May, 1934 to 30th April, 1935.	1. Dina-Padhri .. 2. Taraki-Domeli .. 3. Jhelum-Jalapur and Pind Dedan Khan road .. 4. Dhudial-Mangwal .. 5. Chakwal-Mandri .. 6. Chakwal-Nila .. 7. Chakwal-Bhagwal-Rapwal .. 8. Bham Kallar-Kahar and Nurpur .. 9. Chakwal-Choa Saidan Shah .. 10. Pind Dedan Khan-Khawra-Choa Saidan Shah-Wahali-Basharat and Choa Dalwal road.	1st April, 1934 to 31st March, 1936. Ditto. Ditto. Ditto. Ditto. Ditto. Ditto. Ditto. Ditto. 1st May, 1934 to 30th April, 1935.
Attock	..	Ni	1st April, 1934 to 31st March, 1936. Ditto.	1. Pindigheh-Khaur .. 2. Hassanabdal-Fatehjang ..	1st April, 1934 to 31st March, 1936. Ditto. 4th August, 1934 to 31st March, 1936. 1st July, 1934 to 31st March, 1936. 1st April, 1934 to 31st March, 1937. 28th October, 1932 to 31st October, 1935. 10th February, 1933 to 9th February, 1938. 1st April, 1934 to 31st March, 1939.

LICENCES ON PATHANKOT-DHARMSALA AND BAIJNATH ROADS AND
KANGRA MOTOR UNION.

(Answer to Question No. 3480, page 250 ante.)

The Honourable Sir Miles Irving : (a) and (b) No. It is a fact, however, that licencees of their own accord become members of this Union after obtaining their licences.

(c) The question does not arise but I may add that the district authorities are of opinion that the formation of this Union has brought many advantages to passengers.

(d) Government is informed that the fares charged are not exorbitant.

(e) Does not arise.

LANDOWNERS OF VILLAGE DUDAR.

(Answer to Question No. 3491, page 258 ante.)

The Honourable Sir Miles Irving : (a) Many complaints were received but they were not substantiated on being investigated.

(b) Yes, but it is not a fact that canal water was not used.

(c) Yes, but only after they had used the water.

(d) The Tahsildar was sent by the Deputy Commissioner but made no such report.

(e) Does not arise.

(f) Government is not prepared to remit *abiana* on land which has been irrigated by canal water.

VACANCIES IN THE CLERICAL ESTABLISHMENT EDUCATION DEPARTMENT.

(Answer to part (b) of Question No. 3495, page 260 ante.)

The Honourable Malik Sir Firoz Khan Noon : A statement is laid on the table.

Statement showing the number of officiating and permanent posts that have fallen vacant in the clerical establishment of the Education Department, Punjab, since January, 1933.

Total, No. of vacancies.	Number of vacancies unfilled.	FILLED BY.				PROPORTION COMMUNITYWISE.			
		Hindus.	Muhammadans.	Sikhs.	Christians.	Hindus.	Muhammadans.	Sikhs.	Christians.
155	8	66	109	32	1	31.73	62.4	15.39	0.48

CHAUDHRI KAHAN SINGH, P. V. S., DEPUTY SUPERINTENDENT,
CIVIL VETERINARY DEPARTMENT, SHEIKHUPURA.

[Answer to Question No. 3504, page 266 ante.]

The Honourable Sardar Sir Jogendra Singh : (a) Chaudhri Kahan Singh was taken into permanent Government service as a Veterinary Inspector attached to the Office of Camel Specialist, Sohawa, from the 1st April 1916.

(b) It is regretted that the required information is not available in the records of the Director, Veterinary Services, the old Sohawa Office or in the office of the Accountant-General.

(vi) Does not arise.

CHAUDHRI KAHAN SINGH, DEPUTY SUPERINTENDENT, CIVIL
VETERINARY DEPARTMENT, SHEIKHUPURA.

(Answer to part (ii) of Question No. 3507, page 269 ante.)

The Honourable Sardar Sir Jogendra Singh : (ii) Chaudhri Kahan Singh was temporarily promoted to the Provincial Veterinary Service with effect from the afternoon of 4th April, 1923,—vide the Punjab Government notification No. 718-155-5339, dated 24th April, 1923. He, therefore, drew the pay of the provincial grade with effect from the date of his promotion.

CHAUDHRI KAHAN SINGH.

(Answer to Question No. 3508, page 269 ante.),

The Honourable Sardar Sir Jogendra Singh : (i) (a) Chaudhri Kahan Singh was in the Provincial Veterinary Service, before he was appointed Deputy Superintendent, Civil Veterinary Department. He was not, therefore, appointed a probationary Deputy Superintendent. He did his probation as the officer-in-charge of the office of the Camel Specialist, Sohawa, and drew Rs. 200 per mensem during the period of probation. When he was appointed Deputy Superintendent, he drew Rs. 375 per mensem, according to rule 22 (i) of the Fundamental Rules.

(b) Yes, unless they have done, in some other capacity, their period of probation in the Provincial Veterinary Service.

(c) Yes, but none of them had done his probationary period in the Provincial Veterinary Service. As will be seen from (a), no exception was made for Chaudhri Kahan Singh.

(ii) There was no departure from the usual practice in the case of Chaudhri Kahan Singh.

GIRLS IN GIRLS NORMAL SCHOOL OF ROHTAK.

(Answer to Question No. 3515, page 272 ante.)

The Honourable Malik Sir Firoz Khan Noon : (a) 63.

(b) 22.

(c) 6.

(d) 15.

(e) for 65 girls.

(f) (i) 54 (ii) 5.

GIRLS' SCHOOLS IN THE ROHTAK DISTRICT.

(Answer to Question No. 3516, page 273 ante.)

The Honourable Malik Sir Firoz Khan Noon : (a) 66 ;

(b) 1,741 ;

(c) 28 ;

(d) Yes ;

(e) Yes. Only a few girls were not examined up to the 1st June, 1934. Admissions to higher classes were, however, open up to the last day of June and had not closed in April. The honourable member's attention is also drawn to my answer to question 3518 (starred).

GIRLS' SCHOOLS IN THE ROHTAK DISTRICT.

(Answer to Question No. 3517, page 273 ante.)

The Honourable Malik Sir Firoz Khan Noon : A statement showing the required information is laid on the table.

The honourable member's attention is also drawn to my reply to his question No. *3518.¹

Statement showing the names of girls' schools in the Rohtak district teaching upto 5th or higher classes with dates on which the schools were inspected.

Serial No.	Name of school.	Dates on which inspected.
1	District Board Urdu School, Kharkhauda ..	1st March, 1934.
2	District Board Hindi School, Sisana ..	2nd March, 1934.
3	Aided Muslim School, Jhajjar ..	3rd March, 1934.
4	Aided Arya School, Jhajjar ..	5th March, 1934.
5	Municipal Board Hindi School, Jhajjar ..	Ditto.
6	Municipal Board Urdu School, Jhajjar ..	Ditto.
7	District Board Hindi School, Badli ..	6th March, 1934.
8	District Board Hindi School, Jahazgarh ..	7th March, 1934.
9	District Board Hindi School, Kheri Kumar ..	Ditto.
10	Municipal Board Hindi School, Bahadurgarh ..	22nd March, 1934.
11	Municipal Board Urdu School, Bahadurgarh ..	Ditto.
12	District Board Hindi School, Dulhera ..	23rd March, 1934.
13	District Board Hindi School, Sampla ..	24th March, 1934.
14	Government Girls' School, Rohtak ..	26th March, 1934.

Serial No.	Name of school.	Date on which inspected.
15	Jain Aided Girls' School, Rohtak	26th March, 1934, and 28th March, 1934.
16	Sh. Jot Ram Girls' School, Rohtak	26th March, 1934, and 29th March, 1934.
17	Municipal Board Urdu Girls' School, Rohtak ..	26th March, 1934, and 7th April, 1934.
18	Aided Arya Girls' School, Rohtak	26th March, 1934, and 28th March, 1934.
19	District Board Hindi Girls' School, Bohar ..	26th March, 1934.
20	District Board Hindi School, Bahu Akbarpur ..	26th March, 1934, and 3rd April, 1934.
21	District Board Hindi Girls' School, Madina ..	4th April, 1934.
22	District Board Hindi Girls' School, Maham ..	31st March, 1934.
23	District Board Hindi Girls' School, Digbal ..	6th April, 1934.
24	Municipal Board Hindi Girls' School, Sonapat ..	8th May, 1934.
25	District Board Hindi School, Munimpur. ..	17th May, 1934.
26	District Board Hindi Girls' School, Gohana ..	18th May, 1934.
27	District Board Hindi School, Matanhail ..	13th May, 1934.
28	District Board Girls' School, Chara	21st May, 1934.
29	District Board Girls' School, Mokhra	22nd May, 1934.
30	District Board Girls' School, Chiri	23rd May, 1934.
31	District Board Girls' School, Makrauli. ..	25th May, 1934.
32	District Board Girls' School, Sanghi	28th May, 1934.

GIRLS READING IN 5TH CLASS IN THE ROHTAK DISTRICT.

(Answer to Question No. 3518, page 273 ante.)

The Honourable Malik Sir Firoz Khan Noon : (a) Yes, but inspections have been delayed this year owing to floods.

(b) The Department is taking steps to see that all the promotion examinations are finished before the close of the school year.

HINDI AS MEDIUM OF INSTRUCTION IN NORMAL SCHOOLS.

(Answer to Question No. 3549, page 379 ante.)

The Honourable Malik Sir Firoz Khan Noon : (a) No.

(b) Yes, but since the closure of the Government J. V. training class with Hindi as medium of instruction at Karnal in 1929-30, the need for such a class has not been felt by the Divisional Inspectors of Schools in the Punjab.

(c) Yes. The number of students who joined the class was only 26, which did not form even a full unit of 40.

(d) Yes.

(e) The question of opening of a J. V. training class with Hindi as medium of instruction will be considered when the need of such a class is established.

(f) Does not arise.

EXAMINERS FOR LAW EXAMINATIONS.

(Answer to Question No. 3593, page 428 ante.)

The Honourable Malik Sir Firoz Khan Noon: The information supplied by the Punjab University is attached. It is regretted that statistics regarding agriculturists and non-agriculturists are not available, nor can they be easily collected.

Number of examiners community-wise for the last five years for the F.E.L., LL.B., LL.M., and Conveyancing and Deed-writing Diploma examinations.

	1934.	1933.	1932.	1931.	1930.
F. E. L.					
Hindus	6	3	3	3	3
Muhammadans	4	2	2	2	2
Sikhs	2	1	1	1	1
LL.B.					
Hindus	3	3	4	4	4
Muhammadans	3	2	2	2	2
Sikhs .. ..	..	..	..	..	..
Christians	1	1	..	..	..
LL.M.					
Hindus	7	9	..	..	..
Muhammadans	3	3	..	..	..
Christians .. ..	..	2	..	..	..
DIPLOMA IN CONVEYANCING AND DEED-WRITING.					
Hindus	2	2	2	..	..

Statement showing the total remuneration paid to examiners, community-wise, for the last five years for the F.E.L., LL.B., LL.M., and Conveyancing and Deed-writing Diploma examinations.

	1930.	1931.	1932.	1933.	1934.
	Rs.	Rs.	Rs.	Rs. A. P.	Rs.
F. E. L.					
Hindus	2,154	2,506	3,456	3,870 6 5	4,282
Muhammadans	1,378	1,682	2,308	2,571 4 10	2,888
Sikhs	750	836	988	1,323 0 0	1,398
Christians .. ..	..	..	..	..	..
LL.B.					
Hindus	3,254	3,594	3,732	3,262 0 9	3,676
Muhammadans	1,596	1,686	1,646	2,010 3 2	2,110
Sikhs .. ..	..	..	164	..	..
Christians .. ..	..	..	..	1,088 11 2	990
LL.M.					
Hindus .. ..	..	..	..	1,382 14 6	1,062
Muhammadans .. ..	..	..	..	288 12 10	206
Sikhs .. ..	..	..	..	..	..
Christians .. ..	..	..	..	239 6 5	102
DIPLOMA IN CONVEYANCING AND DEED-WRITING.					
Hindus .. ..	..	..	312	254 9 8	232
Muhammadans .. ..	..	..	..	..	..
Sikhs .. ..	..	..	..	..	..
Christians .. ..	..	..	..	..	..

POLICE CONSTABLE KUNDAN.

(Answer to Question No. 3604, page 434 ante.)

The Honourable Mr. D. J. Boyd : (a) and (b) The constable mentioned was discharged from service on the 21st April, 1933, as being unlikely to make an efficient police officer. He was subsequently prosecuted for harbouring his cousin Mughla and for conspiracy in the murder of the late Sub-Inspector Abdullah Khan.

(c) Yes. He was re-arrested under section 110 (f), Criminal Procedure Code, and the proceedings are now pending in court.

CANDIDATES IN THE OFFICE OF THE DISTRICT JUDGE, AMBALA.

(Answer to Question No. 3645, page 457 ante.)

The Honourable Mr. D. J. Boyd : I. (a) A statement is laid on the table ; names have been omitted as it is not the practice of Government to give names.

(b) Yes, provided the candidate, at the time of the post falls vacant, is considered fit to hold it.

(c) Yes, under section 35 of the Punjab Courts Act the District Judge or the Sub-Judge to whom powers have been delegated has full discretion, subject to such rules as the High Court may prescribe in regard to ministerial appointments. Government understand that the High Court have prescribed no rules in this connection.

II. (a) No.

(b) No such application can be traced.

(c), (d), (e) and (f) Do not arise.

(g) Yes. As this representation was couched in highly improper and disrespectful language and its direct submission to the High Court was a gross breach of discipline, the Honourable Judges suggested to the District Judge the removal of the names of all these candidates. I am not prepared to lay a copy of the representation on the table as it will serve no useful purpose to do so.

(h) Yes.

(i) The candidates were punished for gross breaches of discipline in the manner and language of their application to the High Court, for misrepresentation and for subsequent insolence to the District Judge.

(j) No record of service is maintained in the case of unpaid candidates.

(k) No.

(l) Under the Punjab Courts Act the Honourable Judges have full power in the matter, and as they have considered and rejected the representation which was made to them, Government do not propose to take any action in the matter.

List of candidates enrolled in the office of the District Judge, Ambala, after 1st April 1930.

Serial No.	Date of enrolment.	Serial No.	Date of enrolment.
1	23rd April 1930.	12	3rd September, 1931.
2	24th April 1930.	13	29th September, 1931.
3	24th April 1930.	14	29th September, 1931.
4	24th April 1930.	15	24th December, 1931.
5	11th August 1930.	16	9th May, 1932.
6	11th August 1930.	17	7th June, 1932.
7	11th August 1930.	18	24th October, 1932.
8	11th August 1930.	19	23rd January, 1933.
9	10th November 1930.	20	11th February, 1933.
10	11th November 1930.	21	15th January, 1934.
11	11th November 1930.		

DEBT OF AGRICULTURISTS IN MUZAFFARGARH, MULTAN AND MIANWALI DISTRICTS.

(Answer to Question No. 3652, page 461 ante.)

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) Accurate information is not available, and it cannot be obtained without an elaborate and expensive enquiry. The expense involved in the enquiry will not be commensurate with the results to be attained.

(b) Government has made extensive remissions of land revenue, water-rates and *tagani* in recent years. Mianwali has a Land Mortgage Bank and it is one of the earliest established in the Province. Mr. J. D. Anderson, I.C.S., reported in 1927, on the measures possible for the improvement of economic conditions in the Muzaffargarh district. From reports on the action taken on this report it appears that there has been a general improvement.

SCHOOLS UNDER TAUNSA MUNICIPAL COMMITTEE.

(Answer to Question No. 3662, page 529 ante.)

The Honourable Malik Sir Firoz Khan Noon : (a) There has never been a municipal committee in Taunsa (Dera Ghazi Khan district). In 1924 Taunsa was declared a small town under the Punjab Small Towns Act, 1921. The town committee has now been declared suspended (under section 40 of the Act). The powers and duties of the committee are at present being exercised by the Tahsildar of Taunsa. It is probable that as soon as the Tahsildar has wound up the committee's affairs, the notification establishing the 'small town' will be finally cancelled. Taunsa will then revert to the control of the Dera Ghazi Khan district board.

(b) The Small Town Committee of Taunsa did not open any school of its own.

(c) The district board schools were closed on January 1st, 1934, as the District Board, Dera Ghazi Khan, could not afford to maintain schools within the limits of another local body.

(d) The District Board, Dera Ghazi Khan, is maintaining a boys' primary school outside the town for the boys of its own area and many boys from the town are also attending it. As soon as Taunsa reverts to the control of the district board, the responsibility for providing and maintaining schools for the town will devolve upon the district board.

MUNICIPAL COMMITTEE, PANIPAT.

(Answer to Question No. 3670, page 529 ante.)

The Honourable Dr. Gokul Chand Narang : (a) Responsibility for the forgery could not be fixed. There were no allegations of other irregularities, but only complaints of the unruly conduct of a member, which were duly considered, no action being considered necessary.

(b) Yes.

(c) An inquiry was made and the allegations were found to be baseless.

SECTION 110, CRIMINAL PROCEDURE CODE.

(Answer to Question No. 3691, page 551 ante.)

The Honourable Mr. D. J. Boyd :

				1932	1933
(a)	..	..	..	102	58
(b)	..	..	..	142	261
(c)	..	..	..	188	225

AREA UNDER *khud kasht* IN LYALLPUR DISTRICT.

(Answer to Question No. 3715, page 565 ante.)

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : A statement is laid on the table.*Statement.*

Year.	Percentage of <i>khud kasht</i> area.	*Percentage of area at rent other than <i>batai</i> and cash rent.	REMARKS.
1922-23	52	4	*(i) Area cultivated by tenants or holders free of rent for religious purposes or to <i>kamins</i> ; and (ii) Area cultivated by tenants paying rent at revenue rates with or without <i>malikana</i> . Such tenants are brothers or relatives of owners having no land of their own.
1923-24	52	3	
1924-25	52	3	
1925-26	52	3	
1926-27	53	2	
1927-28	53	2	
1928-29	52	4	
1929-30	53	3	
1930-31.	52	3	
1931-32	50	3	
1932-33	53	3	
1933-34	51	4	

ORDERLIES OF OFFICERS.

(Answer to Question No. 3724, page 568 ante.)

The Honourable Mr. D. J. Boyd : The statement is laid on the table.*Statement.*

Name of district.	Number of orderlies attached to various Gazetted officers.	Number of ex-soldiers amongst them.
Rohtak	38	6
Hissar	51	13
Karnal	41	7
Gurgaon	29	8

SARDAR BALWANT SINGH, DEPUTY SUB-INSPECTOR OF FISHERIES, KANGRA.

(Answer to Question No. 3742, page 580 ante.)

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) Yes ; the Assistant Director was carrying out inspections at Palampur and the enquiry was held there at the same time.

(c) Rs. 329-10-0 and Rs. 291-10-0 respectively. In connection with the former figure allowance should also be made for ordinary departmental inspections carried out at and from Palampur in addition to the enquiry.

(d) The enquiry could not be conducted by an officer of lower status than a Deputy Director of Agriculture, nor would it have cost less had it been conducted by the Deputy Director of Agriculture incharge of that circle.

(e) Mr. Johnstone's hearing is not defective ; but he is not expected to understand the colloquial Pahari language. The statements of witnesses were translated for him. No material discrepancies arose later on.

(f) No ; it is not in the public interest to lay such record on the table.

CHAUDHRI SHER JANG, PRISONER, MULTAN CENTRAL JAIL.

(Answer to Question No. 3761, page 620 ante.)

The Honourable Mr. D. J. Boyd : (a) I regret that I now find that the information given in answer to part (b) of question No. 381¹ was not quite accurate. It has been ascertained that the barracks in which prisoner Sher Jang was confined prior to his transfer to the New Multan Central Jail were cellular barracks and not association barracks. While in the Old Central Jail, Multan, however, he worked outside his cell during the day. There are no records to show the nature of his confinement in the Ludhiana Jail.¹Page xxxiv infra.

(b) He has been confined in a cell to prevent any possibility of his contaminating other prisoners.

(c) (i) weight on admission 186 lbs.
 (ii) Present weight 124 lbs.
 His standard weight should be 118 lbs.

(d) It is the policy of Government to keep in separate cells all prisoners who are likely to preach terrorist doctrines to other prisoners.

DAR-UL-ISHAAT AND CANVASSER OF BOOKS.

(Answer to Question No. 3802, page 639 ante.)

The Honourable Malik Sir Firoz Khan Noon : (a) A brother of the Inspector of Schools, Multan division, was engaged by this firm some years ago, but resigned the appointment at the request of the Inspector. Enquiry has shown that he has not been re-engaged by the said firm.

(b) No.

(c) Does not arise. No such case has been brought to the notice of Government.

EXCISE SUB-INSPECTORS.

(Answer to Question No. 3840, page 663 ante.)

The Honourable Sardar Sir Jogendra Singh : The information is given below :—

Name of Excise Sub-Inspectors.	Tribes.	Place of residence.	Place of birth.
AMBALA DIVISION.			
Chaudhri Nizam-ud-Din ..	Jat ..	Village Naggal, Tahsil and District Ambala.	Village Naggal, Tahsil and District Ambala.
Lala Prem Sahai ..	Kayastha ..	Delhi ..	Delhi.
S. Aftab Hussain ..	Sayyed ..	Delhi ..	Rohtak.
RAWALPINDI DIVISION.			
Lala Wazir Chand ..	Khatri ..	} Not known, they have since been discharged from service.	
Chandhri Haji Ahmad ..	Rajput ..		
M. Muhammad Aslam ..	Biloch ..		
S. Murid Hussain ..	Sayyed ..	Shahpur, District Jhelum.	Shahpur, District Jhelum.

OFFICIAL RECEIVERS.

(Answer to Question No. 3848, page 694 ante.)

The Honourable Mr. D. J. Boyd :

	Total number of Official Receivers.	Number of members of notified agriocultu- ral tribes.
Hindus	10	1
Muslims	6	3
Sikh	1	..

CENTRAL TRAINING COLLEGE.

(Answer to Question No. 3866, page 704 ante.)

The Honourable Malik Sir Firoz Khan Noon : (a) Two.

(b) One.

(c) One.

GOVERNMENT COLLEGE, HOSHIARPUR.

(Answer to Question No. 3906, page 729 ante.)

The Honourable Malik Sir Firoz Khan Noon : (b) Rs. 47,153.

(c) Twenty-one periods.

(g) The percentages of passes in the two colleges in 1934 are :—

	Government Intermediate College, Hoshiarpur.	D. A.-V. College, Hoshiarpur.
Matriculation Examination ..	74%	93%
Intermediate Examination ..	60%	59%

CHARGES FOR PROVISIONAL CERTIFICATES OF LL.B.
CLASS STUDENTS.

(Answer to question No. 3912, page 732 ante.)

The Honourable Malik Sir Firoz Khan Noon : (a) Yes.

(b) Under orders of the Syndicate.

(c) The same fee is charged by the University for the provisional certificate for B.A., B.Sc., M.Sc., B.T., and Medical Examinations.

(d) and (e) Does not arise.

DILUVION OF LAND BY JUMNA RIVER IN KARNAL
DISTRICT.

(Answer to Question No. 3978, page 1217 ante.)

The Honourable Captain Sirdar Sir Sikander Hyat-Khan : (a) The gross areas lost by river action in Nagla and Dhansauli villages of the Panipat tahsil and Barana village of the Karnal tahsil is shown below. The village Karar of the Panipat tahsil is not subject to river action :—

Village.	1929-30.		1930-31.		1931-32.		1932-33.		1933-34.	
	Total area.	Cultivated area.	Total area.	Cultivated area.	Total area.	Cultivated area.	Total area.	Cultivated area.	Total area.	Cultivated area.
Nagla ..	15	13	40	35	40	22	88	28	33	13
Dhansau ..	53	21	21	13	..	..	12	..	94	..
Barana ..	11	11	17	15	7	7	6	2	75	1

The area gained by alluvion in these villages during the same period is as below :—

Village.	1929-30.		1930-31.		1931-32.		1932-33.		1933-34.	
	Total area.	Cultivated area.	Total area.	Cultivated area.	Total area.	Cultivated area.	Total area.	Cultivated area.	Total area.	Cultivated area.
Nagla	81	..	..	..	..	..	..	..
Dhansauli	108	..	..	..	8	..	..	..
Barana	88	..	47	..	21	..

(b) No.

(c) Fifty rectangles of land in the Nili Bar Colony were allotted in 1929 to 50 land owners, of whom 48 belonged to village Gunthala Rao and one each to villages Nangla Ranghran and Bucha Bas, and all of whom were ruined by river action.

UNSTARRED QUESTIONS AND ANSWERS.

ESCHEAT OF LAND.

(Answer to Question to part (a) of No. 849, page 72 ante.)

The Honourable Sir Miles Irving : (a) The information required is given in the attached statement.

Statement showing

Division.	District.	1924		1925.	
		Area in acres.	Value.	Area in acres.	Value.
AMBALA.	Hissar	14.72	Rs. 825	62.32	Rs. 2,840
	Rohtak .. ..	..	..	..	..
	Gurgaon	40.47	5,825	48.43	7,401
	Karnal .. ..	..	..	160.93	9,065
	Ambala	26.76	6,463	36.11	8,407
	Simla	3	205	..	..
JULLUNDUR.	Kangra	24.28	3,256	26.17	2,998
	Hoshiarpur .. ..	..	..	..	..
	Jullundur .. ..	..	..	..	..
	Ludhiana	15.84	15,211	..	..
	Ferozepore	*1 house.	500	..	..
	Labore .. ..	..	..	..	..
LAHORE.	Amritsar .. ..	..	..	..	..
	Gurdaspur	62	75	..	..
	Sialkot .. ..	..	..	3.75	(a) 490
	Gujranwala .. ..	..	..	..	..
	Sheikhupura .. ..	..	..	..	..
	Gujrat .. ..	..	..	..	..
RAWALPINDI.	Shahpur .. ..	..	..	..	..
	Jhelum .. ..	..	..	..	..
	Rawalpindi .. ..	..	..	..	..
	Attock .. ..	..	..	..	..
	Mianwali .. ..	..	..	..	..
	Montgomery .. ..	..	..	..	..
MULTAN.	Lyallpur .. ..	..	..	..	..
	Jhang .. ..	..	..	..	..
	Multan .. ..	..	..	1.57	31
	Muzaffargarh .. ..	..	..	..	..
	Dera Ghazi Khan .. ..	..	..	..	..

(a) Exclude Rs. 200 and Rs. 1,150 paid to mortgagees, respectively.

*Includes mortgage rights in 1.87 acres, value Rs. 50.

APPENDIX.

XXV

land detached.

1926.		1927.		1928.		1929.	
Area in acres.	Value.	Area in acres.	Value.	Area in acres.	Value.	Area in acres.	Value.
5.97	Ra. 400	..	..	3.28	Ra. 250	..	..
..
70.73	16,466	8.41	902	18.97	3,049	27.22	4,342
17.55	330	..	..	24.81	742	185.84	6,536
37.88	7,400	152.57	23,441	35.04	7,349	30.12	2,356
..
11.54	1,939	9.53	276	9.00	1,228	50.27	840
..
..	..	..	..	1.51	935	..	..
..	..	† house	750	.54	300	..	..
..	..	..	..	..	..	13.16	2,000
..
..
..	..	..	..	10	25	..	..
..	..	..	..	..	..	1	100
..
..
..	..	4.51*	376*	..	..	..	..
..
..
..
..	..	..	..	..	..	2.95	50
..
..
53.30†	16,000	..	..	..	..	..	..
..
..	..	..	..	11.58	2,000	..	..
8.89	630	..	..	3.16	121	.28	18
..

†The title to the land is under dispute.

Statement showing

Division.	District.	1930-31.		1931.	
		Area in acres.	Value.	Area in acres.	Value.
AMBALA.	Hissar .. ..	..	Rs. ..	3.60	Rs. 292
	Rohtak .. ..	..	..	..	..
	Gurgaon	49.58	7,345	28.42	2,704
	Karnal	26.51	1,798	81.72	6,853
	Ambala	25.70	4,656	39.27	7,831
JULLUNDUR.	Simla .. ..	..	..	..	..
	Kangra	19.58	7,512	19.31	4,485
	Hoshiarpur	8.51	385	9.15	50
	Jullundur .. ..	..	..	1.33	1,400
	Ludhiana	12.84	1,247	..	..
LAHORE.	Ferozepore .. ..	..	..	..	..
	Lahore .. ..	..	..	15.89	7,091
	Amritsar .. ..	..	..	..	..
	Gurdaspur	1.11	350	..	..
	Sialkot .. ..	..	..	..	..
RAWALPINDI.	Gujranwala .. ..	..	..	..	..
	Sheikhupura .. ..	..	..	..	..
	Gujrat .. ..	..	..	4.73	570
	Shahpur .. ..	..	..	..	..
	Jhelum .. ..	..	..	..	..
MULTAN.	Rawalpindi .. ..	..	..	..	..
	Attock .. ..	..	..	2.67*	40
	Mianwali .. ..	..	..	..	..
	Montgomery .. ..	..	..	..	..
	Lyallpur .. ..	..	..	..	..
MULTAN.	Jhang .. ..	..	..	..	..
	Multan	30.69	5,940	..	..
	Muzaffargarh .. ..	..	..	..	..
	Dera Ghazi Khan .. ..	..	..	..	..

*Mortgage right redeemed by mortgagors for Rs. 40.

land escheated—concluded.

1932.		1933.		REMARKS.
Area in acres.	Value.	Area in acres.	Value.	
	Ra.		Ra.	
..	
..	
23.47	3,714	20.40	3,100	
121.39	5,266	71.59	3,367	
84.04	18,714	..	..
..	
36.89	3,967	11.02	2,345	
6.86	630	..	..
..	
7.27	1,372	1 house	200	
5,048.92	1,880	..	..
..	
..	
22.27	241	.15	37	
..	..	3.26	(b) 1,001	
..	
..	
..	
..	..	19.47	3,894	
..	
..	
..	
..	..	1.96	283	
..	
..	
..	
..	
..	
..	

(b) Exclude Ra. 290 and Ra. 1,150 paid to mortgagees, respectively.

(Answer to question No. 850 (a), page 72 ante.)

The Honourable Sir Miles Irving : A statement is laid on the table.

Statement showing the value of properties recovered as treasure trove

DIVISION.	District.	1921.	1922.	1923.
		Rs. A. P.	Rs. A. P.	Rs. A. P.
AMBALA	Hissar .. ..	..	..	..
	Rohtak .. ..	..	..	..
	Gurgaon .. ..	..	..	..
	Karnal .. ..	..	..	..
	Ambala .. ..	..	..	11 6 0
JULLUNDUR	Simla .. ..	..	..	..
	Kangra .. ..	..	..	..
	Hoshiarpur .. ..	..	..	..
	Jullundur .. ..	..	..	..
	Ludhiana .. ..	..	..	..
LAMORE	Ferozepore .. ..	..	..	..
	Lahore .. ..	..	..	..
	Amritsar .. ..	..	..	..
	Gurdaspur .. ..	..	..	..
	Sialkot .. ..	..	..	..
RAWALPINDI	Gujranwala .. ..	..	..	..
	Sheikhupura .. ..	..	..	..
	Gujrat .. ..	..	..	..
	Shahpur	58 12 0	..	..
	Jhelum .. ..	..	..	..
MULTAN	Rawalpindi .. ..	..	..	..
	Attock	105 12 0	15 12 0	..
	Mianwali .. ..	..	..	..
	Montgomery .. ..	..	..	..
	Lyallpur .. ..	..	..	..
	Jhang .. ..	..	..	..
	Multan .. ..	..	..	..
	Muzaffargarh .. ..	..	..	..
	Dera Ghazi Khan .. ..	..	..	..

each year from 1921 onwards in the several districts of the Punjab—concluded.

1924.	REMARKS.
Rs. A. P.	
..	Some stone images were recovered as treasure trove in the Hissar district in 1923. With Government's approval they were made over to the Hindus of Hansi, who have placed them in a specially constructed temple.
..	Seven silver coins and 2,192 copper coins were recovered as treasure trove in the Gurgaon district in 1931, but their present value is not known.
..	In addition, 56 uncurrent rupees were found as treasure trove in the Karnal district in 1928, but their present value is not known.
..	
..	
227 0 0	
..	
..	
..	
..	In addition, gold ornaments weighing 4½ tolas, silver ornaments weighing 91½ tolas, silver pieces covered with gold weighing 14½ tolas, 5 pieces of Rupa weighing 1½ tolas, 1 broken tin of brass, 1,124 Nanak Shahi half pice 3 pieces of lead weighing 32 seers and Rs. 380 of old silver coins were found as treasure trove in the Gurdaspur district since 1922; but their present value is not known.
..	In addition, 4 gold mohars and 48 silver coins were found as treasure trove in the Sialkot district, but their present value is not known.
..	Sixty-three silver coins were found as treasure trove in the Gujranwala district in 1933. Their value has not yet been assessed.
..	
..	In addition, Rs. 3,073-4-0 were found at Bhera (Shahpur district) in 1933. Their value has not yet been assessed.
..	
..	In addition, 10 silver Sita Ramis coins were found as treasure trove in the Attock district in 1926, but they were not acquired; and declared as Government property.
..	
..	
..	
..	Copper coins weighing 13 seers and 10 chhataks were found as treasure trove at the Multan Agricultural Station in 1928 by the Deputy Director of Agriculture during certain levelling operations; their present value is not known.
..	
..	
..	

LAHORE CONSPIRACY CASE.

(Answer to Question No. 873, page 179 ante.)

The Honourable Mr. D. J. Boyd : (a) The case was started on the 2nd January, 1931 and orders were pronounced on the 13th December, 1933.

(b) 752 days.

(c) Prosecution Counsel :—

Rai Bahadur Pandit Jowala Parshad, O.B.E. (from the 21st November, 1930 to the 11th May, 1934). Received Rs. 1,02,970.

Rai Sahib Lala Gopal Lal (from the 13th November, 1930 to the 11th May, 1934). Received Rs. 41,455.

Defence Counsel :—

Lala Sham Lal.—From the 2nd January, 1931 to the 13th December, 1933 and thereafter in appeal before the High Court. He was paid Rs. 46,476.

Mr. Amolak Ram Kapur.—From the 2nd January, 1931 to the 13th December, 1933 and thereafter in appeal before the High Court. He was paid Rs. 24,418.

Mr. Amar Nath.—From the 3rd January, 1931 to the 16th January, 1933 and was paid Rs. 14,496.

Lala Faqir Chand.—From the 17th January, 1933 to the 13th December, 1933 and was also engaged in appeal before the High Court. He was paid Rs. 9,460.

Mr. Pran Nath.—From the 5th January, 1931 to the 13th December, 1933. He was paid Rs. 13,408.

(d) Rs. 6,11,089 as below :—

	Rs.
(1) Pay of President	1,06,478
(2) Pay of Commissioners	1,62,679
(3) Pay of establishment including compensatory allowance.	58,024
(4) Other allowances and honoraria (Non-voted) ..	2,520
(5) Travelling allowance voted and (non-voted) ..	927
(6) Contingencies	16,164
(7) Diet and road money to witnesses	11,629
(8) Amount paid to prosecution and defence counsel ..	2,52,683
Total ..	6,11,089

This does not take into account the expenditure by the Police and Public Works Department.

(e) No special magistrate tried this case.

(f) Rs. 81,339-8-0.

(g) *First part.*—The question is not understood.

2nd part.—The accused were classified by the Commissioners as "Better Class" while under trial.

(h) *First part.*—Class B.

2nd part.—Does not arise.

(i) Yes.

(j) It would be contrary to the public interest to supply this information.

(k) During the pendency of the proceedings before the Tribunal the defence applied 8 times and the prosecution 2 times on the revision side to the High Court. Each side succeeded once only in respect of their revision applications.

Seventeen accused who were convicted by the Special Tribunal appealed to the High Court and 2 were acquitted on acceptance of their appeals.

In the case of one accused, an appeal was accepted regarding one charge but dismissed in respect of the other charge.

In the case of one accused, the death sentence was altered to one for transportation for life.

In the case of two accused, the convictions were maintained, but the sentences were reduced.

In the case of two accused, the appeals were accepted regarding the sections under which they were convicted but the sentences were not reduced.

In the case of 9 accused the appeals were completely dismissed.

Revision applications for enhancement of the sentences were filed on behalf of the Crown in the case of 2 convicts.

(l) Yes.

(m) Yes ; Government are not prepared to disclose the advice tendered by their law officers.

(n) Prosecution for conspiracy permitted the trial of all the accused in one trial and the evidence could be produced once only instead of being repeated in separate trials against each of the accused.

(o) It has already been started and will proceed according to law.

(p) Yes ; for further particulars the honourable member is referred to the judgment of the Tribunal a copy¹ of which is laid on the table.

(q) In view of the findings of the Courts there was no occasion for Government to proceed as suggested by the honourable member.

(r) None.

(s) No.

(t) Rs. 27,410 exclusive of fees paid to Public Prosecutor, Government Advocate and Police Guards.

(u) No.

CHAUDHRI SHER JANG, PRISONER, NEW MULTAN CENTRAL JAIL.

(Answer to Question No. 881, page 284 ante.)

The Honourable Mr. D. J. Boyd : (a) Yes.

¹(b) Yes.

(c) To prevent his contaminating other prisoners.

(d) No.

PUBLICATIONS OF TEXT-BOOK COMMITTEE.

(Answer to Question No. 887, page 290 ante.)

The Honourable Malik Sir Firoz Khan Noon : (a)

Muslims	..	..	14
Hindus	..	..	34
Sikhs	..	..	18
Christian	..	..	1

(b) No. In selecting translators preference is given to persons conversant with the subjects of the original books, who are at the same time good writers of the vernaculars.

INDIAN CHRISTIANS AS CLERKS IN SUBORDINATE COURTS.

(Answer to Question No. 908, page 298 ante.)

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) Two.

MR. BASHESHAH NATH, CLERK OF COURT, DISTRICT AND
SESSIONS COURT, LAHORE.

(Answer to Question No. 911, page 299 ante.)

The Honourable Mr. D. J. Boyd : (a) It is not in the public interest to disclose the remarks made by an Inspecting Judge about a member of the ministerial establishment of a court.

(b) Does not arise.

(c) No. It involved a change of his entire duties. Both Courts are, however, situated in the same building.

(d) Yes.

(e) Yes.

(f) It is not in the public interest to disclose the reasons for the transfer of an official.

ADDITIONAL DISTRICT JUDGE AT SHEIKHUPURA.

(Answer to Question No. 918, page 303 ante.)

The Honourable Mr. D. J. Boyd : (a) The Additional District and Sessions Judge posted at Lyallpur assists in the disposal of the civil and criminal work not only of Sheikhupura district, but of any neighbouring district where help is needed.

¹See page XIX, ante.

(b) No. Ten days on an average per mensem. During this period a certain amount of civil work is sometimes also done.

(c) Yes.

(d) The civil work of Sheikhpura was mostly done at Lyallpur.

(e) Yes. Owing to a light file at Multan, the District and Sessions Judge of that division was directed to assist in the disposal of the work of the Lyallpur division, where it was heavy, and for that purpose he paid two visits to Sheikhpura. These orders have since been cancelled.

(f) No ; the correct figures are as follows :—

	Sessions cases.	Criminal appeals.	Civil appeals.
Sheikhpura	34	313	74
Lyallpur	41	452	172
Jhang and Sargodha	137	1,081	802

(g) No.

(h) and (j) The question is under the consideration of Government and a decision will be made after the Honourable Judges of the High Court have submitted their views.

(i) There is a Sessions House at Sheikhpura, but no permanent Sessions Court.

DEPUTY SUB-INSPECTORS OF FISHERIES DEPARTMENT.

(Answer to Question No. 919, page 304 ante.)

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) Yes, temporarily.

(c) Yes. He has been replaced by a B.Sc. (Agri.).

(d) The claims of men referred to will be considered when next there is a vacancy.

ESTABLISHMENT OF THE DISTRICT AND SESSIONS JUDGE, LAHORE.

(Answer to Question No. 920, page 304 ante.)

The Honourable Mr. D. J. Boyd : (a) Yes.

(b) The communal composition of the establishment of a particular office at any given time is determined by a number of causes among which is recruitment in the past, since it is a recognised principle of Government policy that communal inequalities cannot be redressed by the replacement of existing incumbents of one community by new recruits of another. One cause in the present case appears to be the method of filling vacancies by which selection is made from among candidates who have worked without pay for considerable periods before appointment. It is reported that Muslim candidates frequently do not stick to the work of unpaid candidates and are apt to accept appointments elsewhere.

(c) The Honourable Judges are fully aware of the policy of Government in the matter.

(d) 8 ; 2 Muslims and 1 Hindu. Government have issued no circular enjoining employment of members of agricultural tribes. The principles regulating the employment of agriculturists are based on a wider definition.

(e) Appointments are made by the District and Sessions Judge. The procedure is a matter for his discretion.

BUILDINGS FOR THE PRESERVING OF LAND RECORDS.

(Answer to Question No. 940, page 312 ante.)

The Honourable Sir Miles Irving : (a) Yes, the existing accommodation for preserving land records is insufficient in some districts.

(b) and (c) A statement giving the names of the districts and the action so far taken is laid on the table. Owing to financial stringency Government is unable to do more.

Statement showing the names of districts in which accommodation for the preservation of land records offices is insufficient and the action taken by District Officers in this respect.

Serial No.	District.	Record room at Sadr or tahsil in which accommodation is insufficient.	Action taken by District Officers.
1	Hissar ..	(1) That part of the revenue record room at Sadr which is intended for records of tahsil Sirsa. (2) Tahsil Hissar .. (3) Tahsil Sirsa ..	The question of the extension was not taken up on account of financial stringency. Ditto ditto. The question of the extension was not proceeded with as the proposal for construction of a new tahsil building at Sirsa is under consideration and the work will be taken in hand as soon as funds are allotted.
2	Gurgaon +..	Sadr	The proposal to extend it by the amalgamation of the room occupied by the Additional Sub-Judge is under consideration.
3	Karnal ..	Sadr	Administrative approval to the extension of this revenue record room has been conveyed.
4	Simla ..	Tahsil Kot Khai ..	Administrative sanction to the re-building of this tahsil though sanctioned by the Commissioner has been kept in abeyance for want of funds.

Serial No.	District.	Record room at Sadr or tahsil in which accommodation is insufficient.	Action taken by District Officers.
5	Kangra ..	Sadr	Financial Commissioner's approval to the extension of the record room was accorded in July, 1929, but the work has not been taken in hand for want of funds due to financial stringency.
6	Jullundur ..	(1) Sadr (2) Tahsil Nakodar ..	Proposal for the conversion of the sitting room of the Sadr Kanungo into record room is under consideration. The question of building one more room has been taken up.
7	Ferozepore ..	(1) Tahsil Ferozepore .. (2) Tahsil Muktesar ..	Proposal for the extension of record room is under consideration. Ditto ditto.
8	Lahore ..	Tahsil Kasur	Steps are being taken for the addition of another room.
9	Amritsar ..	Sadr	A sum of Rs. 42,000 was sanctioned by Government for the construction of a new revenue record room at Sadr in September, 1928, but the work could not be taken in hand on account of financial stringency. Senior Secretary to the Financial Commissioners has informed the Commissioner, Lahore division, that a sum of Rs. 35,000 will be provided in the budget estimates for the year 1935-36.
10	Gurdaspur ..	(1) Sadr (2) Tahsil Gurdaspur ..	Scheme for the construction of a new record room was proposed but was dropped on account of financial stringency. Now provision has been made for providing steel racks in an additional room and converting the existing wooden racks into steel. The work has been sanctioned by the Financial Commissioner and will probably be carried out during the current year 1934-35. Proposal for the addition of a godown to the record room at Gurdaspur is under consideration.
11	Rawalpindi ..	Tahsil Rawalpindi ..	Steps to extend the record room at Rawalpindi tahsil are being taken.

Serial No.	District.	Record room at Sadr or tahsil in which accommodation is insufficient.	Action taken by District Officers.
12	Attock ..	Tahsil Fatehjang ..	Administrative approval for the extension of the revenue record room at this place has already been obtained and the work will be executed during 1935-36.
13	Mianwali ..	(1) Sadr ..	Action is being taken to increase the accommodation in this record room.
		(2) Isa Khel Tahsil ..	Ditto ditto.
14	Montgomery ..	(1) Sadr ..	The proposal for some alterations is being considered in communication with the Public Works Department.
		(2) Tahsil Pakpattan ..	No action for the extension of the record room at Pakpattan tahsil has so far been taken.
15	Jhang ..	(1) Sadr ..	Action to replace the wooden almirahs by iron ones is being taken.
		(2) Jhang Tahsil ..	Ditto ditto.
16	Multan ..	(1) Sadr ..	The question of extending the Sadr record room is already under consideration.
		(2) Tahsil Multan ..	The need for improving the accommodation is not sufficiently pressing to justify the framing of plans and estimates until the finances of the province have improved.
		(3) Tahsil Lodhran ..	Ditto ditto.
		(4) Tahsil Mailsi ..	The Deputy Commissioner has not personally inspected the tahsil and so he is not in a position to say whether any action is immediately necessary.
17	Muzaffargarh ..	(1) Leiah tahsil ..	The record room requires some alterations and additions. The Public Works Department has been moved.
		(2) Alipur tahsil ..	Ditto ditto.
18	Dera Ghazi Khan	Sadr ..	Proposal for the extension of record room is under consideration.

INDIAN CHRISTIAN MEMBERS OF DISTRICT BOARDS.

(Answer to Question No. 941, page 313 ante.)

The Honourable Dr. Gokul Chand Narang : Four district boards in the Punjab have Indian Christians as members, as under :—

- (1) District Board, Lyallpur—one nominated non-official.
- (2) District Board, Amritsar—one nominated official.

(8) District Board, Gujranwala—one nominated non-official.

(4) District Board, Sialkot—one elected member and one nominated non-official.

INDIAN CHRISTIAN MEMBERS OF MUNICIPAL COMMITTEE.

(Answer to Question No. 942, page 313 ante.)

The Honourable Dr. Gokul Chand Narang : The statement is as follows:—

Serial No.	Name of Municipal Committee.	Elected Indian Christian members.	Appointed Indian Christian members.
1	Jullunder	.. ..	1
2	Moga	.. ..	1
3	Lahore	1	..
4	Jandiala	.. ..	1
5	Gujranwala	.. ..	1
6	Narowal	.. ..	1
7	Lyallpur	.. ..	1

COMPULSORY EDUCATION IN FEROZEPUR DISTRICT.

(Answer to Question No. 944, page 313 ante.)

The Honourable Malik Sir Firoz Khan Noon : (a) Four (Sulhina, Patto Hira Singh, Budh Singhwala and Rasulpur Khara).

(b) Sulhina, 66 per cent., Patto Hira Singh 64 per cent., Budh Singhwala 59 per cent. and Rasulpur Khara 61 per cent.

(c) No case was instituted in these areas for non-attendance in the year 1933-34.

PRIMARY SCHOOLS FOR GIRLS, FEROZEPUR.

(Answer to part (b) of Question No. 948, page 314 ante.)

The Honourable Malik Sir Firoz Khan Noon : (b) Young boys are allowed to study in the district board girls' school up to the age of nine.

EXPENDITURE ON EDUCATION OF GIRLS.

(Answer to Question No. 951, page 315 ante.)

The Honourable Malik Sir Firoz Khan Noon : A statement showing the required information is laid on the table.

Statement.

Serial No.	Name of District Board.	Proportion of education budget spent on education of girls during the year 1933-34.
		Per cent.
1	Ferozepore	8.2
2	Hoshiarpur	17.6
3	Jullundur	7.79
4	Lahore	2.3
5	Amritsar	7.12
6	Gurdaspur	3.8
7	Sialkot	9.2
8	Gujranwala	6.6
9	Sheikhupura	5.8
10	Montgomery	3.6
11	Lyallpur	6.0
12	Multan	1.9

PUNJAB HEALTH SCHOOL, LAHORE.

(Answer to Question No. 957, page 317 ante.)

The Honourable Malik Sir Firoz Khan Noon : (a) The locality is not generally regarded as specially unhealthy.

(b) There are a number of depressions in the vicinity of the School in which rain-water tends to collect. The Lahore Municipal Committee has, however, made arrangements, which have proved generally satisfactory, to pump these depressions dry after rain.

(c) The municipal committee has taken action under section 131 and section 125 of the Punjab Municipal Act, 1911 (read in each case with sections 219 and 220) against a number of owners of the adjacent properties, with satisfactory results.

(d) No further action is in contemplation.

TAXATION OFFICER, JHANG DISTRICT BOARD.

(Answer to Question No. 981, page 475 ante.)

The Honourable Dr. Gokul Chand Narang : The salary of Taxation Officer, Jhang, is Rs. 230 in the grade of Rs. 200—20—250, with no allowances, except travelling allowance according to rules. His qualifications are : Education up to the X Class of the Khalsa High School, Lahore, employment as Co-operative Department Sub-Inspector for over two years, some experience of banking in the Co-operative Department, and service as a District Board Clerk during the last twelve years.

LAND PLANS.

(Answer to Question No. 1011, page 599 ante.)

The Honourable Dr. Gokul Chand Narang : (a) Municipal committees are required by section 56 (3) of the Punjab Municipal Act, 1911, as now amended, to maintain registers and maps of all lands which they own or which they manage on behalf of Government. District boards and town committees are required by statutory rule to maintain registers of immovable property owned or controlled by them (Rule 83 of the District Board Account Code, 1926. Rule 29-A of the Small Towns Account Rules). They are not obliged by the rules to keep plans of their lands, but in practice many of them do so. The accuracy of the land plans maintained by local bodies varies greatly. Probably few local bodies would be found in the province whose maps are absolutely complete and accurate.

(b) Encroachments on lands owned or managed by local bodies are regrettably common. The absence of accurate land plans undoubtedly renders the eviction and punishment of encroachers more difficult. It does not, however, by itself account for the prevalence of encroachments.

(c) and (d) The Ministry cannot hope that the land plans of all the local bodies will be in perfect order at the end of the two years' period specified by the honourable member. Government will, however, continue to watch the local bodies in their observance of the rules, assisting them as required in obtaining competent mapping staffs and when necessary employing their special powers under the several Acts to ensure that the local bodies fulfil their obligations.

AGRICULTURISTS ADJUDGED INSOLVENT.

(Answer to Question No. 1023, page 604 ante.)

The Honourable Mr. D. J. Boyd : 1,114.

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INDEX.

Vol. XXV.

	PAGES.		PAGES.
A.		ACT(s)—	
ABDUL GHANI, SHAIKH—		Question re—	
Bill, Relief of Indebtedness, the		Application of Punjab Local Op-	
Punjab—		tion — to the town of Sad-	
Applications, interval between		haura	153-60
first and second	1044	Application of Transfer of Pro-	
Arrest for default in payment of		perty — to urban areas	367
decreed money	1378	Contraventions of the Alienation	
Conciliation board, jurisdiction		of Land — in the Gujrat dis-	
of	1008	trict	574
Conciliation board, qualification		Prosecution of Muhammadans	
of members	1097	under the Sarda	459
Damdupat	1165-66	Punjab Criminal Law (Amend-	
Debtor, definition of	982-84,	ment) —	244-45
	1114-15,	Punjab Tobacco Vend Fees —	
	1162.	Regulation of Accounts —	654
Fair offer, definition of	1054-55	Usurious Loans, Amendment of,	
Fair offer, how determined,	1057-58	relating to excessive rate of	
Fictitious sum, addition of, to		interest	871-901
the sum actually advanced,		Provincial Insolvency, Relaxa-	
penalty for	1174-75	tion of the provisions of,	366-70
Legal Practitioner, appearance		AD-DHARAM—	
of, before conciliation board	1081-82	Question re representation of	
Motion for re-circulation	755-59	Balmiki and — community in	
Particulars in application, state-		services	67-8
ment of,	1016-17	ADDITIONAL DISTRICT JUDGE—	
Pending suits, application of the		Question re — at Sheikhupura	303
Bill to,	919	ADJOURNMENT MOTION—	
ABDUL RASHID—		Re occupiers' rate on fodder —	
Question re —		Leave to move	79-90
Of Laithana College	176	Discussion on	213-29
ABDULLAH KHAN—		ADMINISTRATION OF JUSTICE—	
Question re murder of Munshi —		Question re interference in the —	112
Sub-Inspector of police, Rohtak	134-35	ADMISSION(s)—	
ABDUL RAHMAN, GHANI—		Question re—	
Question re Khwaja —, of Amrit-		In deMontmorency College,	
sar	246, 445	Shahpur	658
ABIANA—		Of girl students in Amritsar	
Question re—	243, 250-60	Medical School	368-69
Question re—		Of plucked matriculation candi-	
Acreage of agricultural land,		dates into schools	370
land revenue and —	578-79	Of Sikh boys in the Bishop	
Gross and net income from agri-		Cotton School	701
culture and land revenue		To the Bishop Cotton and other	
and—	573-74	European Schools in Simla	701
Reduction of—and land reven-		ADVOCATES—	
ue	124	Question re — and pleaders en-	
ABSCONDERS—		rolled in the Lahore High Court	469
Question re—		AERATED WATERS—	
In the province	569-70	Question re tax on bottles of —	507
In Rohtak district	135	AFZAL HAQ, CHAUDHRI—	
ACCOUNTS—		Bill, Relief of Indebtedness, the	
Question re—		Punjab—	
Audit of — of certain colleges	308	Amicable settlement, agree-	
Of district boards	318	ment of, between debtors and	
Of the District Board, Jhang	474	creditors, execution of —	1041
ACREAGE—		Motion for re-circulation	783-85
Question re — of agricultural land,			
land revenue and <i>abiana</i>	578-79		

	PAGES.
AFZAL HAQ, CHAUDHRI—concl'd.	
Joint Parliamentary Committee's Report	1228-33, 1306-07.
Resolution re punitive police ..	506-07
Supplementary Grants—	
Rural reconstruction ..	388-91
Solitary confinement of terrorist prisoners ..	403-04
AGE—	
Question re — bar for middle school examination ..	410-11
AGGARWALS—	
Question re — in Police service ..	161
AGRICULTURAL ASSISTANTS—	
Question re vacancies in the cadre of — ..	720-21
AGRICULTURAL DEPARTMENT—	
Question re—	
Head Clerks — ..	713
Supercession by Shamsheer Bahadur, — ..	714
AGRICULTURAL HOLDING (s)—	
Question re—	
Average ..	437
Sale, mortgage, etc., of — in Pakpattan and Dipalpur tahsils and arrears of land revenue ..	561-62
AGRICULTURAL LAND—	
Question re—	
Acreage of —, land revenue and abiana ..	578-79
Alienations of — ..	71-2, 436, 598-99, 695.
Alienations of — in Chakwal ..	441-42
Alienation of — in Pind Dadan Khan tahsil ..	1021
Price and rent of — ..	121-22
Sale of — in Gujrat ..	14-19, 574
Sale of — in Kotli Akhwanan ..	407
Sale of — in village Kandhanwala, Gujrat district ..	574-75
Total acreage of — ..	437-38
AGRICULTURAL OFFICER—	
Question re Sardar Kharak Singh, Divisional — ..	129-30, 425
AGRICULTURAL SETTLEMENT—	
Question re criminal tribes, — Birthebari ..	172
AGRICULTURAL TRIBES—	
Question re land belonging to — in Pind Dadan Khan ..	442
AGRICULTURE—	
Question re gross and net incomes from — and land revenue and abiana ..	573-74
AGRICULTURIST(S)—	
Question re—	
Adjudged insolvent ..	604
In public services ..	209-301
Landed proprietors and money-lenders ..	574
Co-operative loans to — ..	604
Debt of — in Muzaffargarh, Multan and Mianwali districts ..	461

AGRICULTURIST (s)—concl'd.	
Question re—concl'd.	
Hindu — as Public Prosecutors ..	728
Money-lenders and — in the Punjab ..	439
Notification of Muhyal Brahmins of Lyallpur district as — ..	563
Statutory — in Financial Commissioner's Office ..	29
Statutory Hindu — as Sub-Judges ..	132-33
Statutory Hindu — in certain cadres of Irrigation Department ..	664
Statutory Hindu — in certain cadres of Police service ..	664
Statutory Hindu — in Provincial Educational Service ..	662
Statutory Hindu — in Subordinate Educational Service ..	662-63
Statutory Hindu — in various services ..	663
AGRICULTURISTS' LAND—	
Question re alienation of — ..	133-34
ARMAD YAR KHAN, DAULATANA, KHAN BAHADUR, MIAN—	
Farewell to the Honourable Captain Sirdar Sir Sikander Hyat Khan ..	1402
Joint Parliamentary Committee's Report ..	1296-97
AREBAT TAX—	
Question re — on vegetables in Sialkot Municipality ..	65
ARSIAN ILAHI—	
Question re — ..	659
AIR SERVICE—	
Question re — between Calcutta and Bombay ..	477
ARRAR ALI, PIR—	
Bill, Relief of Indebtedness, the Punjab—	
Applications, interval between first and second ..	1045
Debts, exemption of certain class of, from jurisdiction of conciliation boards ..	952-53
Debtor, definition of ..	1112-13.
ALCOHOL—	1123-26.
Resolution re propaganda against use of, and other intoxicants ..	496-502
ALIENATION(S)—	
Question re—	
Of agricultural land ..	71-2
Of agricultural land in Chakwal ..	598-99.
Of agricultural land in Pind Dadan Khan Tahsil ..	441-42.
Of agriculturist's land ..	656-57, 1021.
Of agriculturist's land ..	133-34.
Of land to non-agriculturists ..	436, 438-39, 595.
Of land to non-agriculturists in Mianwali and Campbellpur districts ..	1322, 1218
	1022

	PAGES.		PAGES.
ALIENATION OF LAND ACT—		ANDERSON, MR. J. D.—	
Question re contraventions of the — in the Gujrat district ..	57	Bill, Relief of Indebtedness, the Punjab—	
ALIGARH UNIVERSITY—		Banking companies, exemption of, from jurisdiction of con- ciliation boards ..	972
Question re — students and admis- sion to Medical College, Lahore ..	522	Conciliation boards, setting up of ..	988-89
ALLAH DAD KHAN CHAUDHRI—		Debts, exemption of certain classes of, from jurisdiction of conciliation boards ..	948-49, 950
Adjournment motion re occupier's rate on fodder ..	219-22	Debtor, definition of ..	978, 1105
Bill, Alienation of Land (Amend- ment), the Punjab ..	611-12	Fictitious sums, addition of, to sums actually advanced, pe- nalty for ..	1173
Bill, Relief of Indebtedness, the Punjab—		Limitation, extension of period of ..	1093
Appeal against orders of con- ciliation boards ..	1073	Point of order re re-opening of discussion on a matter al- ready decided, etc., definition of debtor ..	1106
Application of, to loans advanc- ed for trade or industry ..	923-24	Proceedings, duration of, before conciliation boards and lapses of applications ..	1088
Arrest for default in payment of decreed money ..	1378-79, 1385-86, 1167-68 911	Review, application for ..	1089
Damdapat ..	1113-14	Rules, previous publication of Oath of office ..	1098 1
Date on which to come into force ..	1025	ANGLO-VERNAICULAR SECTION—	
Debtor, definition of ..	1055-56	Question re — of S. E. S. ..	73-4
Deposit of money by debtors along with application ..	1172-73	APPEALS—	
Fair offer, definition of ..	1091	Question re — and revision peti- tions from the orders of magistrates, 1st class ..	708
Fictitious sum, addition of, to sums actually advanced, pe- nalty for ..	88-93	APPOINTMENT(S)—	
Interest, exclusion of certain period for counting ..	869-70	Question re —	
Reference to select committee ..	1325-28	In Civil Courts ..	432
Relaxation of provisions of Pro- vincial Insolvency Act ..	1238-45	In Government Colleges ..	77-8
Franchise Committee's Report ..	439-92	In Irrigation Department ..	716-18
Joint Parliamentary Commit- tee's Report ..	500-01	In Lahore High Court ..	431
Resolutions re—	512-15	Made by the Director of In- dustries ..	411-12
Concessions to auction pur- chasers of land in Shahdara tahsil ..	402	Of Mr. Sibon as Local Manager in Electricity Branch ..	626
Propaganda against use of alco- hol and other intoxicants ..	385-86 387-88	Of Revenue Member ..	276-77
Punitive Police ..	222, 226	APPROPRIATION ACCOUNTS—	
Supplementary grants—		Report of the Public Accounts Committee on, for 1932-33 ..	404
Panchayat officers, leave allow- ances to discharged, ..		ARJAN SINGH, SARDAR—	
Rules under Wild Birds and Wild Animals Protection Act, criticism of ..		Adjournment motion re occupiers' rate on fodder ..	222
Rural reconstruction ..		Bill, Relief of Indebtedness, the Punjab—	
Withdrawal order against, for disorderly conduct and forgi- veness, ..		Application of, to loans ad- vanced for trade or industry ..	924
ALLOWANCE(S)—		Damdapat ..	1165
Question re—		Debts, recovery of, in case debtor fails to pay in accord- ance with agreement ..	1063-64
In Lahore Municipal Commit- tee ..	148-49	Interest, excessive rate of, defi- nition ..	884
To the legal advisers of the Lahore Municipality ..	149	Motion for re-circulation ..	677-81
Pay and — of zilladars, naib- tahsildars and overseers ..	115-17	Bill, Small Towns (Amendment), the Punjab —	
Special pay and — ..	22, 666	Introduction ..	612
AMBULANCE CART—		Circulation for public opinion ..	616-17
Question re — ..	598		
AMIR CHAND, LALA—			
Question re —, District Inspec- tor ..	177		

PAGES.		PAGES.
	ARJAN SINGH, SARDAR—concl'd.	
	Joint Parliamentary Committee's Report	
1274-77	Resolution re propaganda against use of alcohol and other intoxicants	
499-500	Supplementary grants—Rural reconstruction	
397	ARMS ACT—	
	Question re exemption of sword from the	
449	ARREARS—	
	Question re — of land revenue in Pakpattan and Dipalpur tahsils	
562-63	Question re—	
	Issue of coercive processes for recovery of land revenue — in Lyallpur district	
564-65	ARREST—	
	Question re — of Mughla	
726-27, 728	ARTS COLLEGES—	
	Question re Government —	
182	ASKEWITH, MR. A. V.—	
	Oath of Office	
1, 1019, 1309.	ASSESSORS—	
	Question re — in Hissar district	
5-6	ASSISTANT DIRECTOR OF PUBLIC INSTRUCTION—	
	Question re Khan Bahadur Sheikh Nur Elahi	
179	ASSISTANT DISTRICT INSPECTOR(S)—	
	Question re —	
	Hindu — of Schools	
173	Hindu —, Dera Ghazi Khan	
856	ASSISTANT SUPERINTENDENT—	
	Question re—	
	Accepted candidates (—)	
255-58	Sikh — of Jails	
731	ASSISTANT SURGEONS—	
	Question re —	
240-41	Question re —	
	and District Medical Officers of Health	
551-52	Recruitment of Civil —	
607	ATTACHMENTS—	
	Question re Court — in Gujrat district	
1151-52	AUCTION—	
	Question re—	
	Of land in Chak No. 76-Gugera Branch	
122	Of property attached in execution of decrees	
694-95	AUCTION PURCHASER(S)—	
	Question re—on Lower Bari Doab Colony	
711-12	Resolution re concessions to, of land in Shahdara tahsil	
488-96	AUDIT OF ACCOUNTS—	
	Question re — of certain colleges	
308	AUDITOR—	
	Question re Divisional —, Rawalpindi	
78-9, 704-05	AZAN—	
	Question re — in Government buildings of the Education Department	
231	B.	
	B. A. ENGLISH—	
	Question re persons who have passed —	
259	BABAR AKALIS—	
	Question re description of certain prisoners as — or 'political workers'	
581-82	BAHAWALPUR CIRCLE—	
	Question re temporary staff of the 3rd —	
476-77	BALBIE SINGH, RAO BAHADUR CAPTAIN (AO)—	
	Bill, Relief of Indebtedness, the Punjab — Co-operative banks and societies, exemption of, from jurisdiction of conciliation boards	
961-62	Supplementary grant—Rural reconstruction	
400-01	BALMIRI—	
	Question re representation of — and Ad-Dharam community in services	
67-8	BANK(S)—	
	Question re—	
	Debtors of mortgage — in Hoshiarpur and Ludhiana	
459	Mumtaz — Ltd.	
1153	BANKING COMPANY (IES)—	
	Question re—	
1145-46	Question re Directors of —	
1146	BANSI LAL, CHAUDHRI—	
	Bill, Relief of Indebtedness, the Punjab—Arrest for default in payment of decreed money	
1377-78	BARI DOAB CANAL—	
	Question re closure of the —	
739-40	BASANT LAL, LALA—	
	Question re —, candidate for Sub-Judges' examination	
693	BASHESHAH NATH—	
	Question re transfer of Mr. —, Clerk of Court	
299	BASHIR-UD-DIN MAHMUD, MIRZA—	
	Question re notice under Criminal Law Amendment Act to — of Qadian	
1269	BATAI—	
	Question re —	
120-21	BEANT SINGH, SARDAR SAHIB SARDAR—	
	Oath of Office	
355	BEIT—	
	Question re — Ludhiana	
245	BENAMI TRANSACTIONS—	
	Question re — in Gohana tahsil	
128-29		

	PAGES
BHAGAT RAM, LALA—	
Bill, Relief of Indebtedness, the Punjab—	
Agreement, disregard of, by debtors ..	1067-68
Appeal against order of conciliation board ..	1069-70
Co-operative banks and societies, exemption of, from jurisdiction of conciliation boards ..	964-65
Court fees ..	1096
Interest, excessive rate of, definition of ..	893-94
Loans to literate debtors, exemption of, from penalty clauses of the Bill ..	1394
Motion for re-circulation of Bill ..	777-82
Resolution re propaganda against use of alcohol and other intoxicants ..	500
BICYCLES—	
Question re tax on — ..	567
BILL—	
Discussion as to whether Council should proceed to consider motion for consideration of a substantially altered by select committee ..	663-71
Reported by select committee, how considered ..	945-47
Select Committee, rights and limitation of, to amend; ..	362-63
Taking up for consideration original clause of a — with correlative new clauses and verbal amendments together ..	862-65
Alienation of Land (Amendment), the Punjab ..	611-12
Anti-Beggary, the Punjab—	
Introduction ..	610-11
Circulation for public opinion ..	613
Land Revenue (Amendment), the Punjab. Introduced, considered and passed ..	1182
Municipal Executive Officer (Amendment), the Punjab. Motion for reference to select committee, lost ..	610
Relief of Indebtedness, the Punjab—	
Reference to select committee ..	80-106, 184-213, 318-63
Report of select committee, presented ..	384
Motion for re-circulation ..	671-82, 747-827, 829-53.
Motion for consideration ..	667-71, 853
Considered ..	862-1018, 1023-37, 1155-82.
Agent, representation by, before conciliation board ..	1031-34
Agreement, disregard of, by debtors ..	1067-69
Amicable settlement between debtors and creditors ..	1031-37

Bill—contd.	
Relief of Indebtedness, the Punjab—contd.	
Amicable settlement, agreement of, between debtors and creditors, execution of ..	1039-42
Appeals against orders of conciliation board ..	1069-80
Applications, interval between first and second ..	1044-46
Applications, dismissal of ..	1067-23
Applications, lapse of, due to prolonged proceedings ..	1086-89
Applications, making of a second, to conciliation board ..	1193-94
Arrest for default of payment of decreed money ..	1176-78, 1376-89.
Banking companies, exemption of, from jurisdiction of conciliation boards ..	972-73
Certificates, grant of, by conciliation boards in respect of debts ..	1047-52
Companies registered under Indian Companies Act, exemption of, ..	903-04
Conciliation boards, constitution of, ..	1014-15
Conciliation boards, jurisdiction of, ..	999-1013
Conciliation boards, qualification of members of, ..	1097-98
Conciliation boards, setting up of, ..	988-99
Co-operative Banks, exemption of, from jurisdiction of conciliation boards ..	953-72
Co-operative Societies, exemption of, from jurisdiction of conciliation boards ..	953-72
Court fees ..	1094-97
Damdupat ..	1164-71
Date on which to come into force ..	907-18
Debts, exemption of certain classes of, from jurisdiction of conciliation boards ..	947-73
Debt, recovery of, in case debtor fails to pay in accordance with agreement ..	1061-67
Debtor, definition of, ..	1105-07 1111-37, 1156-64, 1372-76.
Decree for debts incurred after agreement or in respect of which certificate has been granted, execution of, ..	1058-61
Deposit of money by debtor along with application ..	1017-18, 1023-26.
Deposit of money in courts by debtors ..	1108-10
Fair offer, definition of, ..	1052-56
Fair offer, how determined ..	1057-58
False amounts entered in documents, punishment for, ..	1389-96

Bills—contd.

Relief of Indebtedness, the Punjab— <i>contd.</i>	
Fictitious sums, addition of, to sums actually advanced, penalty for, ..	1171-76
Imperial Bank of India, exemption of, ..	903-04, 972-73.
Insolvency Act, Provincial, relaxation of the provisions of, Insurance companies, exemption of, ..	866-70
Interest, excessive rate of, definition of, ..	903-05, 1367-72.
Interest, exclusion of certain period for counting ..	871-901, 1363-72.
Legal Practitioner, representation by, ..	1090-92
Limitation, extension of period of, ..	1081-84
Limitation of application to loans ..	1093
Loans advanced for purposes of trade or industry ..	1099-1101
Loans secured by documents registered under the Indian Registration Act, exemption of, from penalty clauses ..	920-41, 944
Loans to literate debtors, exemption of, from penalty clauses ..	1393-94
Notice, issue of, to creditors ..	1394-96
Particulars in the application filed by a creditor ..	1031
Part payment of decree amount out of court ..	1016-17
Period of operation of, ..	1180-81
Proceedings, duration of, before conciliation board and lapse of applications ..	1101-03
Proceedings, stay of, in civil courts ..	1086-89
Review, application for, ..	1084-86
Rules, previous publication of, ..	1080-81
Secured loans, definition of, ..	1098-99
Secured loans, realisation of, from securities ..	906-07
Suits, application of Bill to pending, ..	1042-43
Reference to drafting committee ..	918-19
Drafting committee's report, presented and considered ..	1182
Passed ..	1191-93
Recommended by Governor, reconsidered ..	1195-1216
Small Towns (Amendment), the Punjab—	1363-96
Introduction ..	
Circulated for public opinion ..	612
Suppression of Immoral Traffic, the Punjab—	616-17
Introduction ..	
Circulated for public opinion ..	613
Village Panchayat (Amendment), the Punjab—	614-16
Introduction ..	
Circulated for public opinion ..	612
	617-18

BIRHAN SINGH, SARDAR—

Adjournment motion <i>re</i> occupiers' rate on fodder ..	216
Franchise Committee's Report ..	1355-56
BISHOP COTTON SCHOOL—	
Question <i>re</i> —	
Admission of Sikh boys in the — ..	701
Admission to the — and other European Schools in Simla ..	701
BOARDING HOUSES—	
Question <i>re</i> —	
In schools and colleges ..	600
Of aided private colleges ..	315
BOILER INSPECTORS—	
Question <i>re</i> — ..	8
BOOKS—	
Question <i>re</i> —	
Of Khan Bahadur Shaikh Nur Elahi ..	640
On intoxication, suitable for use in schools ..	311
<i>Dar-ul-Ishaat</i> and canvasser of — ..	639-40
Permission to write — ..	290
BOTANY DEPARTMENT—	
Question <i>re</i> —, Government College, Lahore ..	1224-25
BOURNE, MR. F. C.—	
Oath of office ..	365
BOYD, THE HONOURABLE MR. D. J.—	
Bill, Relief of Indebtedness, the Punjab—	
Reference to select committee ..	80-83, 359-61.
Presentation of report of select committee ..	384
Motion for consideration ..	667-68
Motion for re-circulation ..	852-53
Amicable settlement between debtors and creditors ..	1034-35, 1036, 1037.
Applications, dismissal of, ..	1028
Applications, interval between first and second ..	1044-45
Application, making of second, to conciliation board ..	1193-94
Application of, to loans advanced for trade and industry ..	940-41
Arrest for default in payment of decreed money ..	1177, 1379, 1386, 1387.
Companies registered under Indian Companies Act, exemption of, ..	903
Conciliation board, qualifications of members ..	1098
Damdapat ..	1164, 1168
Debts, grant of certificate by conciliation board in respect of, ..	1047
Debts, exemption of certain classes of, from jurisdiction of conciliation boards ..	952

	PAGES.		PAGES.
BORD, THE HONOURABLE MR. D. J.—consid.		B. T. CLASS—	
Bill, Relief of Indebtedness, the Punjab—consid.—		Question re —, Lady MacLagan School ..	483
Debtor, definition of ..	1111	BUDGET, —	
Deposit of money by debtors along with applications ..	1121-23, 1155, 1157-58, 1159, 1160.	Cuts action taken by Government on, made by Council in original and supplementary demands ..	610
Deposit of money in courts by debtors ..	1026	Question re—	
Fictitious sum, addition of, to sums actually advanced; penalty for, ..	1110	Of local bodies ..	310
Imperial Bank of India, exemption of ..	1172	BUILDINGS—	
Insolvency Act, Provincial, relaxation of provisions of ..	903	Question re — for preserving land records ..	312
Insurance companies, exemption of, ..	868, 870	BUNGALOW—	
Interest, excessive rate, definition of, ..	1370	Question re unauthorised occupation of — of Principal, Gujrat College ..	182
Legal Practitioner, appearance of, before conciliation boards ..	871, 894-96, 1366.	BUS—	
Loans secured by registered documents, exemption of, from penalty clauses ..	1083	Question re motor — service from Simla to Mashobra ..	241-42
Part payment of decree amount out of court ..	1393	BYTA SINGH, SARDAR BAHADUR SARDAR—	
Point of order re re-opening of discussion on matter already decided by the Council, viz., definition of debtor ..	1180	Adjournment motion re occupier's rate on fodder ..	223-25
Proceedings, duration of, before conciliation boards ..	1107	Bill, Relief of Indebtedness, the Punjab— Co-operative banks and societies, exemption of, from jurisdiction of conciliation boards ..	962-64
Proceedings, stay of, in civil courts ..	1089	Farewell to Honourable Captain Sir Sikander Hyat Khan ..	1400
Secured loans, realization of, from securities ..	1086	Joint Parliamentary Committee's Report ..	1279-84
Report of drafting committee, presented ..	1043	Reference to late Chaudhri Shah Muhammad ..	384
Passed ..	1191	Resolution re concessions to auction purchasers of land in Shahdara tahsil. ..	492-93
Suppression of Immoral Traffic, the Punjab, circulation for public opinion ..	1195-96	BYE-LAWS —	
Demands for excess grants ..	615-16	Question re — framed by Municipal Committee of Jagraon ..	164-65
Demands for supplementary grants ..	384, 385, 401, 402, 403, 667.	C.	
Joint-Parliamentary Committee's Report ..	1270-74	CANAL(S)—	
Public Accounts Committee, Report of, on Appropriation Accounts, presented ..	404	Question re—	
Resolution re punitive police ..	509-12, 520	Closure of the Bari Doab — ..	739-40
BRAMHINS—		Cotton on the Dipalpur Irrigation and Sutlej Valley Project — ..	1226-27
Question re — ..	302	Divisional and Sub-Divisional Officer, —, Lyallpur ..	433
BRIDGES—		Khaddar Branch of the Pakpattan — ..	173
Question re — on the drain near Asandah ..	698	Occupiers' rates on Sutlej Valley Project — ..	965
BROTHERS—		Sirsa Branch of the Western Jumna — ..	544-49
Question re — in Muhalla Wakefield Ganj, Ludhiana ..	621-22	Villages irrigated by Lower Jhelum — ..	1189
		CANAL ACT—	
		Question re rule 25 of the — ..	114
		CANAL ADVISORY COMMITTEE—	
		Question re — of Dipalpur and Sohag divisions ..	365-67
		CANAL BANKS—	
		Question re public traffic on — ..	125-26

	PAGES.		PAGES.
CANAL COLONY—		CHARGES—	
Question re—		Question re — for lifting water	
Of the Irrigation Department		from wells with hydro-electric	
at Ferozepore ..	305-06	current ..	306-07
Irrigation in the neighbourhood		CHETAN ANAND, LALA—	
of the — at Ferozepore ..	306	Bill, Relief of Indebtedness, the	
CANCELLATION—		Punjab—	
Question re — of teaching certi-		Agreement, disregard of, by	
ficates ..	74	debtors ..	1067
CANDIDATE(S)—		Appeal against orders of con-	
Question re—		ciliation boards ..	1070-71
Accepted—(Assistant Superint-		Conciliation boards, jurisdic-	
endents) ..	255-58	tion of, ..	1000
For Sub-judges' examination ..	693-94	Co-operative banks and societies	
In the office of District Judge,		and commercial banks, ex-	
Ambala ..	457-58	emption of, from jurisdiction	
Lala Basant Lal, —, for Sub-		of conciliation boards ..	953, 972
Judges' examination ..	693	Interest, exclusion of certain	
Naib-Tahsildar — in Jullundur		period for counting, ..	1091
division ..	539	CHHOTU RAM, R. B. CHAUDHRI—	
Sub-Inspector Fisheries — ..	735	Bill, Relief of Indebtedness,	
CAPITAL PUNISHMENT—		the Punjab—	
Question re males and females		Motion for re-circulation ..	823-52
hanged ..	467	Amicable settlement, agreement	
CASES—		of, between debtor and cre-	
Question re Criminal — in Rohtak		ditor, execution of ..	1040-41
..	135	Appeal against orders of con-	
CATTLE—		ciliation boards ..	1075-77
Question re custody of — found		Application of, to loans ad-	
within the canal boundaries ..	1309	vanced for trade or industry	
CENTRAL CO-OPERATIVE BANK—		Applications, interval between	
Question re—		first and second ..	1045
Communal representation in the		Arrest for default in payment	
directorates of —, Ludhiana ..	591	of decreed money ..	1176, 1330-
Overdraft from the —, Feroze-		81	
pore ..	609	Conciliation boards, jurisdiction	
Recoveries of debts by —,		of, ..	1005-08
Rohtak and Co-operative		Conciliation boards, setting up	
Union, Sonapat ..	135-36	of, ..	995-98
Withdrawals from the —, Fe-		Co-operative banks and socie-	
rozepore ..	609	ties, exemption of, from	
CENTRAL JAIL—		jurisdiction of conciliation	
Question re Chaudhri Sher Jang,		boards ..	965-66
prisoner, Multan — ..	620	Court fees ..	1095-96
CENTRAL MODEL SCHOOL—		Damdupat ..	1164
Question re —		Date on which the Bill is to come	
Head Master —, Lahore ..	48, 51-52,	into force ..	914-17
..	423-24,	Debts, grant of certificates by	
Lahore ..	48-50	conciliation boards in res-	
Muslim Head Master for —,		pect of, ..	1048-51
Lahore ..	48	Debts, recovery of, in case deb-	
Muslim students in —, Lahore ..	46	tor fails to pay in accordance	
Teachers of —, Lahore ..	112-13,	with agreement ..	1064-66
..	424-25,	Debtor, definition of, ..	973-77,
..	427-28.	..	1115-19,
Unauthorised private tuition		..	1129-32,
by teachers of —, Lahore ..	47	..	1155, 1161,
CENTRAL TRAINING COLLEGE—		..	1374-75.
Question re — ..	704	Deposit of money in courts by	
Question re staff —, Lahore ..	579	debtors ..	1108-09
CERTIFICATES—		Fair offer, definition of, ..	1053-54
Question re charges for provisional		Fictitious sum, to sums actually	
— of LL.B. class students ..	732	advanced, penalty for, ..	1173
CHANDER KISHORE—		Legal practitioners, representa-	
Question re —, a civil prisoner	700	tion by, before conciliation	
..		boards ..	1084
..		Part payment of decree amount	
..		out of court ..	1180

	PAGES.		PAGES.
CHHOTU RAM, R. B. CHAUDHRI—conold.		CIVIL SECRETARIAT—	
Bill, Relief of Indebtedness, the		Question re—	
Punjab—conold.		Direct recruitment in Punjab—	993-97
Point of order, re-opening of		Vacancies in —	28-29
discussion on a matter al-		CIVIL SURGEONS—	
ready decided by Council,	1105-06	Question re establishment in the	
viz., definition of debtor ..	1083-86	offices of Inspector-General of	
Proceedings, stay of, in civil	323-38	Civil Hospitals, Punjab, and	
courts ..	866-67,	the —, in the Punjab ..	1150
Reference to select committee	868-69,	CLASSICAL SECTION—	
Relaxation of provisions of Pro-	1098	Question re — and Vernacular	
vincial Insolvency Act ..	906-07	Section of S. E. S. ..	74-75
Rules, previous publication of,		CLERICAL ESTABLISHMENT—	
Secured loans, definition of, ..	1399-1400	Question re—	
Farewell to Honourable Captain	1349-53	And other establishments, Irriga-	
Sirdar Sir Sikander Hyat Khan		tion Branch ..	296-97
Franchise Committee's Report ..	383-84	Sikhs in the —, of the Punjab	
Reference to late Chaudhri Shah	502-06,	Education Department ..	260-61
Muhammad ..	515-20,	CLERICAL SERVICE—	
Resolution re punitive police ..	66	Question re Forest Department	
CHIEF ENGINEER(S)—	183-84	Subordinate and —, and Indian	
Question re — Simla exodus of ..	554	Christians ..	297
Statement re retrenchment of		CLERKS—	
one— ..		Question re—	
CHIEF JUSTICE—		In the High Court and Indian	
Question re — as a member of the		Christians ..	298
Syndicate of Punjab University		In the offices of Deputy Com-	
CHIRAGH-UD-DIN, MIAN—		missioners ..	745
Question re enlistment of — as	1311	Indian Christians as — in	
member of Criminal Tribe ..		Subordinate Courts ..	298
CHOKHA NAND, LALA—		CLERK OF COURT—	
Question re —, Fisheries Depart-	712-13	Question re transfer of Mr.	
ment ..		Basheshar Nath, — ..	299
CHOWKIDARS—		CLERKS' QUARTERS—	
Question re — in Rohtak district	568	Question re —, Simla ..	12
CHRISTIANS—		COGNIZABLE CASES—	
Question re Indian — ..	742	Question re — in the Punjab ..	570-71
CINEMA(S)—		COINS—	
Question re—		Question re counterfeit — ..	802
Houses and entertainment tax	566	COLLEGE(S)—	
Students visiting — ..	601	Question re—	
CIRCLE REGISTRAR—		Abdul Rashid of Ludhiana —	176
Question re—		Admissions in deMontmorency	
Agha Sher Afghan Khan and —		—, Shahpur ..	858
Co-operative Societies, Ambala	583-84	Aligarh University students and	
Co-operative Societies, Ambala	584-89	admission to Medical —,	
CIVIL ASSISTANT SURGEONS—		Lahore ..	522
Question re — and Indian Chris-		Audit of accounts of certain —	308
tians ..	294	Boarding houses in schools	
CIVIL COURTS—		and — ..	600
Question re appointments in the —	432	Botany Department, Gov-	
CIVIL DISOBEDIENCE—		ernment —, Lahore ..	1224-25
Question re — ..	123	Central Training — ..	703-04
Question re —		Government —, Hoshiarpur ..	729-30
Prisoners ..	122-23	Hindu professors of Persian	
Suspension of — and removal		and Urdu in Government —	464
of ban on candidates for		Professors in Government —,	
Assembly ..	123	Lahore ..	732
CIVIL DISPENSARIES—		Professors of Persian and Urdu	
Question re religion of patients	453	in Government — ..	480
in — ..		Staff of Central Training —,	
CIVIL PROCEDURE CODE—		Lahore ..	579
Question re Rule under Section		Staff of Government —, Lahore	579-80
61, — ..	134	University Law —, Lahore ..	428
		COMMISSION(S)—	
		Question re Court — ..	1151

	PAGES.		PAGES.
COMMITTEE(S)—		COMPANY(IES)—<i>conold.</i>	
Question re—		Question re— <i>conold.</i> —	
To overhaul primary education ..	167	Insurance — ..	1146,
Erosion — ..	710-11	Sugar manufacturing — ..	1146-47, 1147-48
Frontier Crime Regulations —,			
Report ..	153	COMPENSATION—	
Lahore Municipal — ..	129	Question re — to Musammat	
COMMUNAL INEQUALITY—		Gita Devi paid by Hydro-Elec-	
Question re — in the Education		tric Department ..	249
Department ..	289-90	COMPLAINT(S)—	
COMMUNAL REPRESENTATION—		Question re —	
Question re—		Against Khan Sahib Dr. Nur	
Anglo-Vernacular Section of		Muhammad of Ludhiana Mu-	
Subordinate Educational Ser-		nicipal Committee ..	706-08
vice ..	73-74	Against police officers ..	700
Hindu agriculturist candidates		In Courts of Magistrates, 1st	
for the P. C. M. S. ..	465-66	Class, Hoshiarpur ..	735-36
In the directorate of Central Co-		COMPULSORY EDUCATION—	
operative Bank, Ludhiana ..	591	Question re — in Ferozepore dia-	
In District Board, Amritsar ..	655	trict ..	313
In Education Department ..	464-65	CONCESSIONS—	
In Government Normal Schools		Question re —	
370		In Government dues ..	653
In Jullundur District Board ..	653-54	Fee — in Government Schools	166
In Karnal Municipal Committee		Resolution re— to auction purchas-	
581		ers of land in Shahdara Tahsil	488-96
In Lahore High Court ..	462-63	CONSOLIDATION—	
In Lower Jhelum Circle ..	856	Question re — of holdings in	
In the Services ..	234-36	Ludhiana and Ambala ..	592
In Vernacular Schools ..	379	CONSPIRACY CASE—	
Hindu Assistant District Ins-		Question re Lahore — ..	179-81
pectors of Schools ..	173	CONSPIRACY PRISONERS—	
Hindu Jat as Inspector of		Question re 1914-15 — ..	247
Police ..	274	CONSTITUENCIES—	
Hindus in Palwal Municipality		Question re Indian Christian — for	
Hindu professors of Persian and		Legislative Council ..	1022-23
Urdu in Government Colleges		CONTRACT SYSTEM—	
Muhammadan 7aildars in the		Question re supply of water on —	114-15
Amritsar District ..	284-85	CO-OPERATIVE BANK—	
Muslims in the Office of Princi-		Question re	
pal, Veterinary College ..	266	Central — ..	590-91
Post held by Hindus in Mian-		Communal representation in	
wali district ..	739	the directorate of Central—,	
Sikhs in the Clerical establish-		Ludhiana ..	591
ment of the Punjab Education		Overdraft from the Central —,	
Department ..	260-61	Ferozepore ..	609
Sikhs in Deputy Commissioners'		Withdrawals from the Central	
Offices, Jullundur division ..	70	—, Ferozepore ..	609
Sikhs in the services ..	737-38	CO-OPERATIVE CREDIT SOCIETIES—	
Sikh ladies in Punjab Education-		Question re — ..	573
al Service ..	9	Question re— in Ambala and	
Sikh officials in Jagraon ..	70	Ludhiana ..	591
Sikh patwaris and Kanungos in		CO-OPERATIVE SOCIETIES—	
Ludhiana district ..	68-69	Question re — ..	437
Vacancies amongst Stenogra-		Question re—	
phers ..	77	Agha Sher Afghan Khan and	
COMMUNAL TENDENCIES—		Circle Registrar, —, Ambala	583-84
Question re — of Mr. Hakim, Prin-		And Unions in the Hoshiarpur	
cipal, Gujrat College ..	181	district ..	702
COMPANY(IES)—		Circle Registrar, —, Ambala ..	584-89
Question re—		Inspector, —, Jagraon ..	589
Registered with the Registrar,		Inspector, —, Ludhiana ..	589-90
Joint Stock — ..	412-13	Muslim deputatation at Ludhiana	
Directors of Electric Supply —	1147	on the — ..	590
Directors of film — ..	1148	Nahar Singh, Inspector of —	592
Directors of insurance — ..	1146	Pandit Gian Chand, Inspec-	
Directors of sugar manufac-		tor, Industrial —, Ambala ..	1019-21
turing — ..	1148	Sherpur Kalan ..	592-94
Electric Supply — ..	1147		
Film — ..	1148-49		

	PAGES.		PAGES.
DEATH(s)—		DEPUTY COMMISSIONER'S OFFICE(s)—	
Question re—		Question re—	
From snake bite	601	Grades of examiners of copying	
Of police officers while discharg-		branch in	305
ing duty	603	Sikhs in —, Jullundur division	70
DEATH SENTENCES—		DEPUTY SUB-INSPECTORS—	
Question re males and females		Question re — of Fisheries De-	
hanged	467	partment	304
DEBT(s)—		DEPUTY SUPERINTENDENTS—	
Question re—		Question re Sikh — of Jails ..	730
Of agriculturists in Muzaffar-		DEPUTY SUPERINTENDENTS OF	
garh, Multan and Mianwali		POLICE—	
districts	461	Question re —	274-75
Decretal —	151	Question re —, Finger Print Bureau	6-7
Recoveries of — by Central Co-		DEBRAJAT CANAL CIRCLE—	
operative Bank, Rohtak, and		Question re remissions in — ..	110-11
Co-operative Union, Sonapat	135-36	DETENTION—	
DEBTORS—		Question re — of Mr. S. H. Vat-	
Question re — of mortgage banks		ayayana in custody	68
in Hoshiarpur and Ludhiana ..	459	DETENUE(s)—	
DECREES—		Question re—	
Question re auction of property		Confinement of Babu Satindra-	
attached in execution of — ..	694-95	nath Sen, a Bengal —, in	
DELHI-MONTGOMERY ROAD—		Campbellpur Jail	1159
Question re —	550	In the Punjab Jails	237
DEK NULLAH—		State prisoners and —	659
Question re head of —	12-17	DIET MONEY—	
DEMANDS FOR GRANTS—		Question re payments of travelling	
Action taken by Government on		expenses and — by Criminal	
cuts made by Council in original		Courts	167-68
and supplementary —	610	DILUVIATION—	
DEMANDS FOR EXCESS GRANTS—		Question re — of land by Jumna	
Commuted value of pensions, capi-		river in Karnal district	1217
tal expenditure	666	DIN MUHAMMAD—	
Hydro-Electric Scheme, working		Question re — a martial law	
expenses	666	prisoner	246
Police	666	DIPALPUR INUNDATION—	
Refunds (Transferred)	666	Question re cotton on the — and	
DEMANDS FOR SUPPLEMENTARY		Sutlej Valley Project Canals ..	1226-27
GRANTS—		DIRECTORS—	
Civil Works (Capital Expendi-		Question re—	
ture)	402	Of banking companies	1146
Civil Works (Transferred)	403-04	Of electric supply companies ..	1147
Expenditure in England	403	Of film companies	1148
Industries	384	Of insurance companies	1146
Irrigation, Working Expenses	403	Of sugar manufacturing com-	
Miscellaneous (Reserved)	385-401	panies	1148
Miscellaneous (Transferred)	401-02	DIRECTOR OF INDUSTRIES—	
DEMANDS FOR TOKEN GRANTS—		Question re appointments made	
Irrigation Capital	1183	by —	411-12
Irrigation, Working Expenses	1183	Question re —	407-09,
DE MONTMORENCY COLLEGE—		421-22.	
Question re—		Question re—	
Admissions in —, Shahpur ..	858	Post of the —	64
Shahpur Sadar	75	Qualifications of the —	60-64
DEPRESSED CLASS—		Tours of the —	64-65
Question re — members in muni-		DISCHARGE—	
cipal and district boards	167	Question re dismissal or — of Gov-	
DEPRESSIONS—		ernment servants in Education	
Question re — in Lahore	595-96	Department	74
DEPUTY COMMISSIONER(S)—		DISMISSAL—	
Question re—		Question re—	
Clerks in the offices of — ..	745	Or discharge of Govern ment	
Mianwali	440-41	servants in Education	
DEPUTY COMMISSIONER, CRIMINAL		Department	74
TRIBES—		Of Kishan Lal, Naib Sharaf,	
Question re —, Punjab's move to		Sadar, Hissar	378
Simla	170-71	Suspensions or — of Zaildars,	
		Safedposhes and Lambardars	276

	PAGES.		PAGES.
DISPENSARY—		DISTRICT MEDICAL OFFICERS OF HEALTH—	
Question re Superintendent, —		Question re assistant surgeons and ..	551-52
Mayo Hospital, Lahore ..	36		
DISTILLERY—		DIVISIONAL AGRICULTURAL OFFICER—	
Question re — at Amritsar ..	445	Question re Indebtedness of Sardar Kharak Singh, — ..	129-30
DISTRICT AND SESSIONS JUDGE—		DIVISIONAL AUDITOR—	
Question re—		Question re —, Rawalpindi ..	78-79, 704
Establishment of the —, Lahore	304-05		
Officials punished by Sardar Sewaram Singh, — ..	299	DIVISIONAL OFFICER—	
DISTRICT BOARD(S)—		Question re — and sub-divisional officer, canals, Lyallpur ..	433
Question re—		DOCTORS—	
Accounts of — ..	318	Question re male — in girl's institutions ..	100-61
Accounts of —, Jhang ..	474	DODD, MR. R. J. S.—	
Communal representation in — Amritsar ..	655	Oath of office ..	1185
Communal representation in — Jullundur ..	653-54	DOGAR(S)—	
Depressed class members in municipal and — ..	167	Question re—	
Engineer, Jullundur ..	651-52	Boys of the — community in Ferozepore district ..	314
Engineer, Lyallpur ..	12-13	In Ferozepore district ..	313-14
High School, Nakodar ..	652-53	Scholarships for the education of — community in Ferozepore ..	314
Lyallpur ..	463-64	DOGRAS	
Rohtak ..	37-38, 699	Question re —	
Election of Senior and Junior Vice-Chairman, Lahore — ..	146-48, 149-50, 375-76, 410.	As statutory agriculturists ..	245-46
English Optional classes in — middle schools ..	371	DRAIN—	
Establishment of vehicle stands by — ..	309, 311	Question re—	
Expenditure on girls' scholarships by — ..	316	Near Asaudah ..	698
Grant to the —, Ferozepore ..	157-58	In Rohtak and near Asaudah ..	31-32
Grant to —, Rohtak, towards flood damage ..	40-41	DRIVERS—	
Head Clerk, —, Jhang ..	475-76	Question re irregularities by — of motor lorries in Sialkot district ..	1222
Indian-Christian members of — Junior Vice-Chairman, Lahore ..	313		
— ..	377	E.	
Non-official chairmen of — ..	1188-89	ECONOMIC CONDITIONS—	
Powers of official chairmen of —	376	Question re Educational and — of Muslims of Mianwali and Muzaffargarh districts ..	521
Retrenchment in —, Jhang ..	471-73	EDUCATION—	
Salaries of employees of —, Jullundur ..	655-56	Question re—	
Schools under —, Dera Ghazi Khan ..	523	Compulsory — in Ferozepore district ..	313
Secretary —, Ferozepore ..	136-39	Expenditure on — of girls ..	315
Secretary, —, Jhang ..	474-75	Scholarships for the — of Dogar community in Ferozepore ..	314
Taxation Officer —, Jhang ..	475	EDUCATION DEPARTMENT—	
Tenure of office of Vice-Chairman, Lahore — ..	375	Question re—	
DISTRICT ENGINEER—		Communal inequality in the — ..	289-90
Question re —, Jhang ..	473-74	Communal representation in — ..	464-65
DISTRICT INSPECTOR—		Question re — ..	174-75, 478-80, 482, 733
Question re—		Muslims in — ..	
Chandhri Jhandu Mal, — of Schools ..	177	Permission to employees of the — to write books ..	290
Of schools, Gurgaon and the teaching of Hindi and Urdu in the primary schools ..	572-73	Policy in the — ..	277-83
Lala Amir Chand, — ..	177	Promotions in — ..	485-86, 728-29, 482-83
DISTRICT JUDGE—		Retrenchment in — ..	251
Question re candidates in the office of —, Ambala ..	457-58	Sita Ram, Gupta, Mr. of the — Transfers of officers and sub-ordinates of the — ..	427

PAGES.	PAGES.
EDUCATION DEPARTMENT—concl'd.—	ELECTRICITY BRANCH—concl'd.—
Question re—concl'd.—	Question re—concl'd.—
Vernacular mistresses employed	Reduction of a Muslim Overseer, — 625
as invigilators at examinations	Removal from service of officials in— 628-29
conducted by the — 291	Shut down, Chuharkana — 632
Women in — 179	Shut downs in the Low Tension Lines — 632-33
EDUCATIONAL CONDITION—	Shut downs in the trunk and branch transmission lines — 631
Question re — and economic condition of Muslims of Mianwali and Muzaffargarh districts .. 521	ELECTRICAL DEPARTMENT—
EDUCATIONAL GAZETTE—	Question re Superintending Engineer — 8
Question re Sikhs and —, Jullundur .. 1224	ELECTRIC POWER—
EDUCATIONAL SERVICE—	Question re — for agricultural purposes .. 451
Question re — .. 731	ELECTRIC SUPPLY COMPANY(IES)—
Question re Muslims in Punjab — 732-33	Question re—
"HANSAN"—	Controversy between Lahore — and Lahore Municipal Committee .. 238
Question re security of the — under the Indian Press Act .. 740-41	Directors of — .. 1147
ELECTION(S)—	Question re — .. 736-37, 1147.
Question re—	Question re —, Lahore .. 305
Of Senior and Junior Vice-Chairman, Lahore District Board .. 146-48, 149-50, 375-76, 410.	Question re energy taken by —, Jullundur .. 451
To Municipal Committee, Sargodha .. 275-76	ELECTRIC WIRING—
General — and political workers .. 560	Question re — in Ludhiana town .. 450
Indian-Christian constituencies for Legislative Council .. 1022-23	ENFRANCHISEMENT—
Legislative Council — 603	Question re — of women in municipalities .. 161-62
Removal of disqualification for — to Assembly .. 444-45	ENGINEER—
ELECTORATES—	Question re—
Question re separate or joint — in municipalities .. 151	District Board —, Jhelum .. 651-52
ELECTRICAL ENERGY—	District Board —, Lyallpur .. 12-13
Question re theft of — in Lyallpur .. 622	District —, Jhang .. 473-74
ELECTRICITY—	Project — .. 452-53
Question re price of — .. 653	ENGINEERING SCHOOL—
ELECTRICITY BRANCH—	Question re —, Rasul .. 463
Question re—	ENGINEERING SUBORDINATES—
Appointment of Mr. Sibon, as Local Manager in — .. 626	Question re—
Clerical staff in the — .. 633-34	In the irrigation Branch .. 291-93
Question re — .. 640-41, 645-47.	Travelling allowances of — in the Irrigation Branch .. 293
Question re—	ENGLISH OPTIONAL CLASSES—
Filling up of posts in the — .. 633	Question re — in district board middle schools .. 371
Gazetted posts in the — .. 623	EROSION COMMITTEE—
Goraya Phillaur Project, — .. 709	Question re — .. 710-11
Harbans Lal, Clerk, — .. 710	ESCHEAT—
Head Works Engineer — .. 624-25, 626, 642, 647.	Question re — of land .. 72.
Lachman Dass, Malik, Line Superintendent, — .. 627-28	ESTABLISHMENT—
Line Superintendents, — .. 627, 628, 629-31.	Question re—
Local Manager, — .. 626-27, 643-44.	In the offices of Inspector-General of Civil Hospitals, Punjab and the Civil Surgeons in the Punjab .. 1150
Local Managers, A class, in the — .. 624-25	In the office of the Inspector-General of Police, Punjab .. 285-88
Muslims in — .. 642-43	Of the District and Sessions Judge, Lahore .. 304-05.
	EXAMINATION(S)—
	Question re—
	Age bar for middle school — .. 410-11
	Facilities in University — .. 457

	PAGES.		PAGES.
EXAMINERS—		FEE CONCESSIONS—	
Question re—		Question re—	
For law examination ..	428-29	To sons of teachers ..	252, 369
Grades of — of Copying branches		Special — in Anglo-Vernacular	
in offices of Deputy Com-		Schools ..	371
missioners ..	305	FILES—	
EXCHANGE—		Question re—	
Question re — of proprietary land		Charges for inspecting court —	414-15
for Crown Waste Land ..	503-04	Loss of — in Sadhora Municipal	
EXCISE—		Committee ..	372
Question re Jat Inspectors or Sub-		FILM COMPANIES—	
inspectors of —, in Ambala		Question re — ..	1148, 1149
division ..	29	Question re directors of — ..	1148
EXCISE SUB-INSPECTORS—		FINANCIAL COMMISSIONERS' OFFICE—	
Question re — ..	663-64	Question re—	
EXECUTIVE OFFICER(S)—		Sikh representation in — ..	368
Question re—		Statutory agriculturists in — ..	29
Municipal — ..	37, 733-34	FINGER PRINT BUREAU—	
Ludhiana Municipality ..	443-44	Question re—	
EXODUS—		Deputy Superintendent of	
Question re Simla — of Chief En-		Police — ..	6-7
gineers ..	66	Inspector, —, Phillaur ..	289
EXPENDITURE—		FIROZ KHAN NOON, HONOURABLE	
Question re — on education of		MALIK SIR—	
girls ..	315	Joint Parliamentary Committee's	
EXTRA ASSISTANT COMMIS-		Report ..	1284-90
SIONER(S)—		Supplementary grants,	
Question re—		Education (Reserved) ..	667
From Ludhiana district ..	480	FIRST OFFENDERS—	
Syed Sadiq Ali Shah, — ..	443	Question re — ..	1140-41
F.		FISHERIES—	
FACULTY OF LAW—		Question re—	
Question re Representation of —		Balwant Singh, Sardar, Deputy	
in the Punjab University ..	1152	Sub-inspector of —, Kangra ..	580-81
FAQIR HUSSAIN KHAN, CHAUDHRI—		Candidates for the Post of Sub-	
Franchise Committee's Report ..	1332-33	inspector of — ..	248, 735
FAREWELL—		Revenue from — ..	1220-21
By the Honourable Captain Sir		Inspector of — ..	264-65,
Sikander Hyat Khan ..	1397-98		367,
FARM ACCOUNTS—			406-07.
Question re method of calculating		M. Karam Bakhah, deputy sub-	
net income in — ..	568	inspector of — ..	537
FAZL ALI, KHAN BARADUR NAWAB—		Officiating deputy sub-inspector	
Adjournment motion re occupiers'		of — ..	537-38
rate on fodder ..	216-17	Sub-inspectors of — ..	536-37
Bill, Relief of Indebtedness, the		FISHERIES DEPARTMENT—	
Punjab,		Question re—	
Co-operative Banks and socie-		Chokha Nand, Lala — ..	712-13
ties, exemption of — from		Deputy sub-inspectors of — ..	304
jurisdiction of conciliation		Question re — ..	263-64,
boards ..	955-57		538-39,
Franchise Committee's Report ..	1331-32		552-53.
Supplementary demands—		Question re—	
Rural reconstruction ..	391-92	And fishing licenses ..	405
FAZAL ELAHI, QUREAN—		And the Inspector of Fisheries ..	383
Question re—		Research officer, — ..	382-83
As candidate for the Lahore		Revenue of the — ..	540
Municipal Committee ..	619	FISHERIES RESEARCH OFFICER—	
Service of notice on — under		Question re— ..	432-33,
Section 3 of the Punjab Criminal			558-59.
Law (Amendment) Act ..	302	FISHERIES STAFF—	
FEB(S)—		Question re — ..	381-82
Question re—		FLOOD(S)—	
In Government Schools ..	166	Question re—	
Inspection of patwaris' records	43	In village Kot Qutab Din ..	715
Remission of — for teachers'		Grant to District Board, Rohtak	
sons ..	377-78	towards — damage ..	40-41

	PAGES.		PAGES.
FLOOD RELIEF—		GITA DEVI—	
Question re — ..	43-4	Question re compensation to Mus-	
Question re — to villagers of Atari		sammatt — paid by Hydro-	
in Garhsankar tahsil ..	522	Electric Department ..	249
FODDER—		GOKUL CHAND NARANG, THE	
Adjournment motion re occupiers'		HONOURABLE DR.—	
rate on — ..		Bill, Relief of Indebtedness, the	
Discussion on — ..	213-29	Punjab,	
Leave for — ..	79-80	Applications, interval between	
FOREST DEPARTMENT—		first and second ..	1045
Question re — Subordinate and		Bill, Small Towns (Amendment),	
clerical service and Indian-		the Punjab,	
Christians ..	297	Circulation for public opinion..	617
FORMAN CHRISTIAN COLLEGE—		Bill, Village Panchayat (Amend-	
Question re — Lahore ..	307	ment), the Punjab,	
FRANCHISE COMMITTEE'S REPORT—		Circulation for public opinion..	618
Allotment of time for discussion..	1183, 1191	GOLDEN ORNAMENT—	
Discussion ..	1311-62	Question re loss of a — on the	
FREIGHT—		railway platform, Lahore ..	233
Question re railway — on cotton		GONDAL TRIBE—	
and wheat ..	124	Question re — ..	1019
FRONTIER CRIMES REGULATIONS		GONORRHŒA—	
COMMITTEE—		Question re syphilis and — ..	1222-23
Question re Report of — ..	153	GOONDAS—	
G.		Question re molestation of school	
GABBETT, MR. C. C.—		boys by — ..	246
Farewell to Honourable Captain		GORAYA-PHILLAUR PROJECT—	
Sir Sikander Hyat Khan ..	1401-02	Question re —, Electricity Branch	709
Franchise Committee's Report ..	1356	GOVERNMENT COLLEGE(S)—	
Oath of office ..	1105	Question re —	
GARDENS—		Appointments in — ..	77-8
Question re water supply to — ..	70-71	Botany Department, —, Lahore	1224-25
GENERAL ELECTIONS—		Gujrat ..	232
Question re — and political workers	580	Hoshiarpur ..	729-30
GHANISRAM DAS—		Hindu Waterman for —, Gujrat	231-32
Question re Mr. —, B.A., B.T.,		Lahore ..	75-6
Lecturer, Training College,		Muhammad Hussain, Hakim,	
Lahore ..	253-54	M., Principal, —, Gujrat ..	233
GIAN CHAND, PANDIT—		Principals of — ..	245
Question re —, Inspector, Indus-	17	Principals of — and rent free	
trial Co-operative Societies,		residential quarters ..	166
Ambala ..	1019-21	Professors in —, Lahore ..	732
GIRLS—		Siraj-ud-Din, M., —, Lahore ..	178
Question re—		Staff of —, Lahore ..	579-80
Expenditure on education of —	315	Teachers of Mathematics in —	252
In the Girls' High School,	274	GOVERNMENT HIGH SCHOOL(S)—	
Rohtak ..		Question re —	
In Girls' Normal School, Rohtak	272-73	Ambala division ..	857
Reading in the 5th Class in the		Headmaster, —, Ferozepore ..	176-77
Rohtak district ..	273	Headmasters and second mas-	
GIRLS' HIGH SCHOOL—		ters in — ..	160
Question re play-ground for girls		Fee concessions in — ..	166
at the —, Moga ..	316-17	GOVERNMENT SERVANTS—	
GIRLS' INSTITUTIONS—		Question re—	
Question re male doctors in — ..	160-61	Change of religion in entries	
GIRLS' SCHOLARSHIPS—		by — ..	406
Question re expenditure on — by		Dismissal or discharge of — in	
district boards ..	316	Education Department ..	74
GIRLS' SCHOOLS—		Public parties to — ..	126-27
Question re—		GOVERNMENT TECHNICAL SCHOOL—	
In the Rohtak district ..	273	Question re—	
Under Ferozepore Municipal		Lahore ..	52-60
Committee ..	476	Ram Gopal, teacher, —, Lahore	60
Physical instruction in — and		Toy-making in —, Lahore ..	606-07
colleges ..	315-16	GRADES—	
GIRL STUDENTS—		Question re— of examiners of	
Question re admission of — in		copying branches in offices of	
Amritsar Medical School ..	368-69	deputy commissioners ..	305

	PAGES.
GRAM—	
Question re—	
Damage to oil seeds, — and other crops, Hissar district..	4
Produce of wheat and — ..	243-44
GRANT—	
Question re—	
From the Road Committee ..	307
Of land in Ludhiana and Hoshiarpur districts ..	400
To District Board, Ferozepore..	137-38
To District Board, Rohtak, towards flood damage ..	40-41
To Forman Christian College, Lahore ..	307
GRANTS-IN-AID—	
Question re — to schools ..	45
GRIEVANCES—	
Question re Muslim — ..	643
GRINDAL, MR. A. D.—	
Oath of office ..	1
GUJRAT COLLEGE—	
Question re —	
Servants' fee fund — Hostel..	181
Unauthorised occupation of bungalow of Principal, — ..	182
GURBACHAN SINGH, SARDAR SARDAR—	
Resolution re concessions to auction purchasers of land in Shahdara tahsil ..	488
GURDWARA SITE—	
Question re — in Mandi Baha-ud-Din ..	440
H.	
HABIB ULLAH, KHAN BAHADUR SARDAR—	
Adjournment motion re occupiers' rate on fodder, ..	
Discussion on— ..	213-15,
Leave to move — ..	226-28,
Bill, Relief of Indebtedness, the Punjab, ..	79-80
Insolvency Act, Provincial, relaxation of provisions of, ..	868
Joint-Parliamentary Committee's Report ..	1233-38
HAISAYAT TAX—	
Question re—	
Or professional tax ..	151-52
Professional tax or — in Ambala ..	455-56
HAKIM—	
Question re communal tendencies of Mr. — Principal, Gujrat College ..	181
HARBANS LAL—	
Question re —, Clerk, Electricity Branch ..	710
HARPHUL—	
Question re murders by — and Mughla ..	433-34
HAVELLIAN PROJECT—	
Question re — ..	247-48

	PAGES.
HEAD CLERK(S)—	
Question re —	
Agricultural Department ..	713
District Board, Jhang ..	475-76
HEAD CONSTABLES OF POLICE—	
Question re Indian Christians as — ..	295
HEAD MASTER(S)—	
Question re —	
And second masters in Government high schools ..	160
Central Model School, Lahore ..	48, 51-52, 423-24
Government High School, Ferozepore ..	176-77
Muslim — for Central Model School, Lahore ..	48
Patto Hira Singh High School ..	175-76
HEAD WARDERS—	
Question re —, warders and matrons in the Jail Department and Indian Christians ..	298
HEAD WORKS ENGINEER—	
Question re —, Electricity Branch ..	624-25, 626, 642-47
HEALTH SCHOOL—	
Question re Punjab —, Lahore..	317
HIGH COURT—	
Question re —	
Advocates and Pleaders enrolled in the — Lahore ..	469
Appointments in the Lahore — ..	481
Clerks in the — and Indian Christians ..	298
Communalism in Lahore — ..	462-63
Ministerial establishment in the — and the courts subordinate to it ..	966
Printing work of Lahore — ..	1144-45
Service appeals in the Lahore — ..	298
HIGH SCHOOL FOR GIRLS—	
Question re —	
Girls in the — Rohtak ..	274
Middle end — in the province ..	315
HINDI—	
Question re —	
And Sanskrit classes in Government High School, Bhakkar ..	163-64
As medium of instruction in normal schools ..	379-80
District Inspector of Schools, Gurgaon District and teaching of — and Urdu in primary schools ..	572-73
HINDUS—	
Question re — in Palwal Municipality ..	5
HINDU RAJPUTS—	
Question re tahsildar candidates from — of Ambala division ..	1223-24
HINDU STUDENTS' RELIEF SOCIETY—	
Question re aid of Ferozepore Municipality to — ..	470

	PAGES.		PAGES.
HOLDING(S) —		IMPERIAL SERVICE(S) —	
Question re —		Question re —	
Average agricultural — ..	437	Abolition of special pay to	
Average — in Lyallpur ..	121	officers of — ..	566
Consolidation of — in Ludhiana		Indians in — ..	26
and Ambala ..	592	Pay of — ..	552
Relief of uneconomic — in		INCOME —	
Hoshiarpur and Ludhiana ..	458-59	Question re method of calculating	
Sale, mortgage, etc., of agricul-		— in farm accounts ..	566
tural — in Pakpattan and		INDEBTEDNESS —	
Dipalpur Tahsils and arrears		Question re — of Sardar Khara-	
of land revenue ..	561-62	Singh, Divisional Agricultural	
Uneconomic — and land reve-		Officer ..	129-30
nue rates ..	461-62	INDIANS —	
HOLIDAY(S) —		Question re — in imperial ser-	
Question re —		vices ..	26
Public — on the birthday of		INDIAN CHRISTIAN(S) —	
Lord Mahavira ..	411	Question re —	
To prisoners ..	9	Appointment of — as house	
HONORARY MAGISTRATES —		surgeons or physicians in	
Question re — ..	462	the Mayo Hospital, Lahore ..	1189-90
HOSIERY INSTITUTE —		Civil assistant surgeons and —	294
Question re —, Ludhiana ..	734-35	Clerks in the High Court and —	298
HOSPITAL(S) —		Forest Department subordinate	
Question re —		and clerical service and — ..	297
Gohana ..	44-45	Head warders, warders and	
Lady Aitchison —, Lahore ..	1185	matrons in the Jail Depart-	
HOUSE-BREAKING —		ment and — ..	298
Question re thefts and — in		As clerks in subordinate courts	298
Hissar district ..	550-51	As head constables of police ..	295
HOUSES OF ILLFAME —		As police constables ..	295
Question re — in Muhalla Wake-		As sub-inspectors of police ..	295
field Ganj, Ludhiana ..	621-22	In the Punjab Civil Medical	
HOUSE SURGEONS —		Service ..	293-94
Question re appointment of In-		Members of district boards ..	313
dian Christians as — or physi-		Members of municipal commit-	
cians in the Mayo Hospital,		tees ..	313
Lahore ..	1189-90	Tahsildars and naib-tahsildars,	
HUNGER STRIKE —		etc. ..	297
Question re — in Lahore Central		Patwaris and — ..	296
Jail ..	236	Punjab Engineering Service	
HYDRO-ELECTRIC CURRENT —		and — ..	295
Question re charges for lifting		Scholarships for — ..	742
water from wells with — ..	306-07	Subordinate Engineering Ser-	
HYDRO-ELECTRIC DEPARTMENT —		vice and — ..	295-96
Question re compensation to <i>Met.</i>		Zilladars and — ..	296
Gita Devi, paid by — ..	249	INDIAN CIVIL SERVICE —	
HYDRO-ELECTRIC SCHEME —		Question re —	
Question re —		Indians in — ..	21
Mandi — ..	650-51	Officers ..	21
Maximum output of Mandi—	450	Nominations to — ..	22
I.		INDIAN LAW REPORTS —	
ISRAHIM KHAN —		Question re editorial staff of —	430
Question re — Zaildar of Mangali	6	INDIAN POLICE —	
ICE FACTORY —		Question re — ..	21
Question re Lahore Qutab — ..	233, 985	INDIAN PRESS ACT —	
ILAQ(A)S) BEIT —		Question re security of the	
Question re —		“Ehsan” under the — ..	740-41
Of Hoshiarpur and Ludhiana ..	459-60	INDUSTRIAL CO-OPERATIVE SOCIE-	
Memorial from zamindars of —	719	TIES —	
Roads in —, Ludhiana ..	461	Question re Pandit Gian Chand,	
IMPERIAL CHEMICAL INDUSTRIES		Inspector —, Ambala ..	1019-21
(INDIA) LIMITED—		INDUSTRIES —	
Question re — ..	466-67,	Question re Director of — ..	407-09
700-01,		INSOLVENT(S) —	
859		Question re —	
		Agriculturists adjudged — ..	604
		Question re — ..	151, 1150

PAGES.	PAGES.
INSPECTION FEE—	IRRIGATION DEPARTMENT—
Question re — of patwaris' records 43	Question re — .. 716-18
INSPECTOR(S)—	Appointments in — .. 305-06
Question re —	Canal Colony of the — at Ferozepore .. 594
Co-operative Societies, Ludhiana .. 589-90	Re-appointment of retrenched clerks in the — .. 607-08
Finger Print Bureau, Phillaur .. 289	Recruitment in — .. 664
Jat — or sub-inspectors of excise, Ambala division .. 29	Statutory Hindu agriculturists in certain cadres of — .. 664
INSPECTOR OF FISHERIES—	IRRIGATION SECRETARIAT—
Question re — .. 264-65, 367, 383, 406-07	Question re Mr. Coyne, Superintendent, — .. 131, 425-27
INSPECTOR OF POLICE—	J.
Question re Hindu Jat as — .. 274	JAIL(S)—
INSPECTOR OF TRAINING INSTITUTIONS—	Question re —
Question re — .. 481-82	Detenues in the Punjab — .. 237
INSPECTOR-GENERAL, CIVIL HOSPITALS—	Lady non-official visitors of — .. 1143-44
Question re establishment in the office, Punjab, and the civil surgeons in the Punjab .. 1150	Literacy among prisoners in Punjab — .. 467
INSPECTOR-GENERAL OF POLICE—	Non-official visitors of — .. 1141-43
Question re establishment in the office of the — Punjab .. 285-88	Sikh assistant superintendents of — .. 731
INSURANCE COMPANIES—	Sikh deputy superintendents of — .. 730
Question re — .. 1146, 1146-47	JAIL DEPARTMENT—
Question re directors of — .. 1146	Question re head warders, warders and matrons in the — and Indian Christians .. 298
INTERMEDIATE COLLEGE—	JAINS—
Question re —	Question re — .. 742
Government —, Hoshiarpur .. 254-55	JANMEJA SINGH, SARDAR RAHADUR
Gujrat, .. 76-77	CAPTAIN SARDAR—
Principal of Government —, Paarur .. 255	Oath of office .. 1139
INTOXICANTS—	JAT—
Resolution re propaganda against use of alcohol and other — .. 496-502	Question re — inspectors or sub-inspectors of excise, Ambala division .. 29
INTOXICATION—	JHANDU MAL—
Question re Books on — suitable for use in schools .. 311	Question re Chaudhri —, District Inspector of Schools .. 177
INUNDATION CANALS—	JIRGA SYSTEM—
Question re modifications in occupiers' rate to — Dipalpur and Pakpattan Tahsils .. 377	Question re — in the Mianwali district .. 738-39
INVIGILATORS—	JOGENDRA SINGH, HONOURABLE SARDAR SIR—
Question re vernacular mistresses employed as — .. 291	Bill, Relief of Indebtedness, the Punjab, .. 959-61
IRRIGATION(S)—	Co-operative Banks and Societies, exemption of, from jurisdiction of conciliation boards .. 1400-01
Question re —	Farewell to Honourable Captain Sir Sikandar Hyat Khan .. 1277-78
In Jandiala division .. 242	Joint Parliamentary Committee's Report .. 3
In the neighbourhood of the Canal Colony at Ferozepore .. 306	Reference to late Mr. Owen Roberts .. 501-02
Unauthorized — .. 66-7	Resolution re propaganda against use of alcohol and other intoxicants .. 1183, 1190
Water channels for — .. 119-20, 566	Discussion of — .. 1228-1307
IRRIGATION BRANCH—	Question re opinion on — .. 1310-11
Question re —	
Clerical and other establishments, — .. 296-97	
Engineering subordinates in the — .. 291-93	
Subordinates in — .. 1219	
Travelling allowances of engineering subordinates in the — .. 293	

	PAGES.		PAGES.
JOINT STOCK COMPANIES—		LARK CHAND MEHRA, RAI SAHIB	
Question re companies registered		LALA— <i>conold.</i>	
with the Registrar of — ..	412-13	Bill, Relief of Indebtedness, the	
JOURNALS—		Punjab— <i>conold.</i>	
Question re — and newspapers		Particulars in application, state-	
published in the Punjab ..	161	ment of —	1016
JUDGES—		Passing of —	1210
Question re difficulties of — in		LARB SINGH, MR.—	
India	111	Bill, Relief of Indebtedness, the	
JUDICIAL BRANCH—		Punjab—	
Question re — of the Punjab Civil		Appeal against orders of con-	
Service	429	ciliation boards ..	1073-75
JUMNA RIVER—		Applications, interval be-	
Question re diluviation of land by		tween first and second ..	1044
— in Karnal district ..	1217	Application, making of a	
JUSTICE—		second to conciliation	
Question re interference in the		board	1193
administration of — ..	112	Conciliation board, constitu-	
		tion of —	1014
K.		Conciliation board, jurisdic-	
KAHAN SINGH—		tion of —	1000-01
Question re Chaudhri —, Punjab		Conciliation board, setting	
Veterinary Service ..	266, 269-70	up of —	998-99
KANUNGOS—		Damdupat	1168-70
Question re —		Date on which the Bill is to	
Indian Christian tahsildars		come into force ..	912-13
and naib-tahsildars, etc. ..	297	Debtor, definition of — ..	1159
Recruitment of — ..	609	Debt, recovery of — in case	
Sikh patwaris and — in Ludhi-		debtor fails to pay in ac-	
ana district	68-69	cordance with agreement ..	1061-62,
KARAMAT, MR. U.—			1066-67
Question re — Lecturer, Islamia		Decree for debt incurred after	
College, Lahore	178	agreement or in respect of	
KHADDAK BRANCH—		which certificate has been	
Question re — of the Pakpattan		granted, execution of — ..	1060-61
Canal	172, 231	Deposit of money in court	
KHARABA—		by debtor	1109
Question re— ..	39-40, 111	Deposit of money by debtor	
Question re — in Jandiala divi-		along with application ..	1017-18,
sion	242-43		1026
KHARAK SINGH, SAEDAR—		Fair offer, how determined	
Question re —, Divisional Agricul-		Interest, exclusion of certain	
tural Officer	129-30, 425	period for counting — ..	1091
KHARIF—		Legal practitioner or agent,	
Question re — crops ..	38-39	appearance of, before con-	
KHUD KASHI—		ciliation board ..	1082-83
Question re area under — in Lyall-		Motion for re-circulation ..	785-91
pur district	565	Notice, issue of — to credi-	
KIDAR NATH, DR.—		tors	1031
Question re Loss of pistol belong-		Reference to select committee	
ing to —, Simla	713	Secured loans, realisation of—	
KISHAN LAL—		from security	1042-48
Question re dismissal of — Naib-		LADY AITCHISON HOSPITAL—	
Sharof Sadar, Hissar ..	378	Question re —, Lahore ..	1186
		LAMBARDAR(S)—	
L.		Question re —	
LARB CHAND MEHRA, RAI SAHIB		Muhammad Khan Khattar, —	
LALA—		of Ratwal	442
Bill, Relief of Indebtedness, the		Nur Muhammad — of Chak No.	
Punjab,		174, village Muhammadpura	
Application of — to loans ad-			156-58,
vanced for trade or industry			630-62,
Debtor, definition of — ..	979, 1373		722-24
Deposit of money in courts by		Ram Gopal, a — of Naraingarh	
debtors	1108	Suspension or dismissal of zail-	
Motion for re-circulation ..	764-70	dars, sufedposhes and — ..	275
		Taqavi loan to Ahmad Hussain	
		—, Zuhawan, Ludhiana dist-	
		trict	521

	PAGES.		PAGES.
LAND(S)—		LAND REVENUE—concl'd.—	
Question re —		Question re—concl'd.—	
Alienation of agricultural — ..	71-2, 598-99	Arrears in Pakpattan and Dipalpur tahsils ..	562-63
Alienation of agricultural — in Chakwal ..	441-42	In Hissar district ..	4
Alienation of agricultural — in Pind Dadan Khan Tahsil ..	656-57, 1021	Reduction of — ..	124, 1309
Alienation of agriculturist — ..	133-34, 436, 438-39, 695	Reduction of <i>abiana</i> and — ..	124
Alienation of — to non-agriculturists ..	148	Sale, mortgage etc. of agricultural holdings in Pakpattan and Dipalpur tahsils and arrear of — ..	561-62
Auction of — in Chak No. 76, Gugera Branch ..	122	Suspension of — in Rohtak, Hissar, Gurgaon and Karnal districts ..	41-43
Escheat of — ..	72	Uneconomic holdings and — rates ..	461-62
Exchange of proprietary — for crown waste — ..	563-64	LAND REVENUE DEMAND.—	
Belonging to agricultural tribes in Pind Dadan Khan ..	442-43	Question re cut motion regarding — ..	239
Lease of a plot of — in Kasur ..	265	LAW COLLEGE—	
Nazul — in village Bhabra, tahsil Lahore ..	140-46	Question re University —, Lahore ..	428
Nazul — near Town Hall, Kasur ..	454	LAW EXAMINATIONS—	
Price and rent of agricultural — ..	121-22	Question re examiners for — ..	428
Sale of agricultural — in Gurjat ..	14-19, 574	LAW REPORT(S)—	
Sale of agricultural — in village Kandhanwala, Gujrat district ..	574-75	Question re editorial staff of the Indian — ..	430
Sale of ancestral agricultural — in Kotli Akhawan ..	407	LAWYERS—	
Sale of Government — in Lower Bari Colony ..	13-14	Question re — ..	429-30
Total acreage of agricultural — ..	437-38	LAY-OUT PLANS—	
Usufructuary mortgage of — in Gujrat district ..	1151	Question re — in Lahore ..	597
Resolution re concessions to auction purchasers of — in Shahdra tahsil ..	488-96	LEAKAGE OF INFORMATION—	
LANDED-PROPRIETORS—		Question re inquiry into the — re Government departments to Press ..	446
Question re agriculturists, — and money-lenders ..	574	LEASE—	
LAND GRANTS—		Question re — of a plot of land in Kasur ..	265
Question re — in Ludhiana and Hoshiarpur districts ..	460	LEAVE ALLOWANCE(S)—	
LAND OWNERS—		To discharged panchayat officers ..	402
Question re —		LEAVE RULES—	
As criminal tribes in Rohtak district ..	35-36	Question re — ..	27, 696
Of village Dudar ..	258	LECTURER—	
LAND PLANS—		Question re Mr. U. Karamat — Ialamsia College, Lahore ..	178
Question re — ..	599	LEGAL ADVISERS—	
LAND RECORDS—		Question re allowances to the — of the Lahore Municipality ..	149
Question re buildings for preserving — ..	312	LEGISLATIVE COUNCIL—	
LAND REVENUE—		Question re — elections ..	603
Question re —		LEGISLATIVE ASSEMBLY—	
Acreage of agricultural land, — and <i>abiana</i> ..	578-79	Question re —	
Concessions in — ..	653	Suspension of civil disobedience and removal of ban on candidates for — ..	123
Gross and net incomes from agriculture and — and <i>abiana</i> ..	573-74	Removal of disqualification for election to — ..	444-45
Issue of coercive processes for recovery of — arrears in Lyallpur district ..	564-65	LEH—	
Question re — ..	654-55	Question re <i>Pokli</i> and — ..	318
		LEKHWATI JAIN, SHRIMATI—	
		Bill Anti-Beggary, the Punjab — Introduction ..	610-11
		Circulation for public opinion ..	613

PAGES.	PAGES.
LEHWATI JAIN, SHRIMATI— <i>concl.</i> —	Loss—
Bill, Relief of Indebtedness, the Punjab—	Question re —
Agreement, disregard of — by debtors ..	Of files in Sadhora Municipal Committee .. 372
Application of — to loans advanced for trade or industry ..	Of golden ornament on the railway platform, Lahore .. 233
Motion for re-circulation ..	LOTHIAN COMMITTEE—
Reference to select committee ..	Question re — Report .. 1188
Passing of — ..	LOWER BARI DOAB COLONY—
Franchise Committee's Report ..	Question re —
Joint Parliamentary Committee's Report ..	Auction purchasers on — .. 711-12
	Sale of Government lands in — .. 13-14
LIBRARY—	LOWER JHELUM CANAL—
Question re Mahesh Chand Memorial — Ferozepore ..	Question re villages irrigated by — .. 1139
	LOWER MIDDLE SCHOOL—
LICENCE(S)—	Question re Vernacular —, Burya .. 10-11
Question re —	LOW PLACES—
On Pathankot-Dharmasala and Baijnath roads and Kangra Motor Union ..	Question re — in Lahore .. 595-96
Revolver — to Lala Arjan Deva ..	M.
	MACFARLANE, MR. D.—
LINE SUPERINTENDENT(S)—	Oath of office .. 365
Question re —	MAGISTRATE(S)—
Electricity Branch .. 627, 628, 629-31, 708-09	Question re —
Malik Lachhman Dass —, Electricity Branch .. 627-28	Complaints in courts of —, 1st class, Hoshiarpur .. 735-36
	1st class, in the Hoshiarpur district .. 703
LITERACY—	In Ambala city .. 162-63
Question re — among prisoners in Punjab Jails ..	MAHABIRDAL VOLUNTEERS—
	Question re carrying of <i>lathi</i> by —, Rawalpindi City .. 1186
LL. B. CLASS—	MALAK, MR. MUHAMMAD DIN—
Question re charges for provisional certificates of — students ..	Bill, Relief of Indebtedness, the Punjab—
	Motion for re-circulation .. 83-84
LOANS—	Reference to select committee .. 84-87
Question re co-operative — to agriculturists ..	MALIAHS—
	Question re — .. 1022
LOCAL BODIES—	MALIKANA—
Question re —	Question re — .. 43
Budgets of — ..	Question re—in the Pir Mahal Extensions .. 35,484, 487
Realisation of dues by — ..	MAMRAJ SINGH CHOHAN, KANWAR—
	Bill, Relief of Indebtedness, the Punjab—
LOCAL MANAGER(S)—	Appeal against orders of conciliation boards .. 1072-73
Question re —	Co-operative banks and societies, exemption of, from jurisdiction of conciliation boards .. 957-59
A class — in the Electricity Branch ..	Interest, excessive rate of — definition .. 1367
Appointment of Mr. Sibon as — in Electricity Branch ..	Interest, exclusion of certain period for counting — .. 1090-91
Electricity Branch ..	Limitation of application of — to loans .. 1100-01
	Motion for re-circulation .. 773-77
LOCAL RATES—	Passing of — .. 1205-07
Question re revenue and — suspended in Gurgaon district ..	Reference to select committee .. 193-99
LOBBIES—	
Question re —	
Irregularities by drivers of motor — in Sialkot district ..	
For hire ..	
Between Hoshiarpur and Bhawan and Una ..	
Between Narowal and Zafarwal ..	
Rate for — ..	
Use of motor — by police officials ..	

	PAGES.		PAGES.
MANRAJ SINGH CHOHAN, KANWAR—		MEDICAL SELECTION BOARD—	
<i>condid.</i> —		Question <i>re</i> —	290-91
Bill, Village Panchayat (Amend-		MEDICAL SERVICE—	
ment) the Punjab—		Question <i>re</i> Hindu agriculturists	
Introduction ..	612-13	candidates for the Punjab Civil	465-66
Circulation for public opinion	617-18	— ..	
Franchise Committee's Report ..	1311-14	MEMORIAL—	
Supplementary demands—		Question <i>re</i> — from zamindars of	
Rules under Wild Birds and		<i>ilaga best</i> ..	719
Wild Animals Protection		MIDDLE SCHOOLS FOR GIRLS—	
Act ..	398-99	Question <i>re</i> — in the province ..	315
Rural reconstruction ..	399	MILES IRVING, HONOURABLE MR.—	
MARSDEN, MR. P.—		Adjournment motion <i>re</i> occupiers'	
Oath of office ..	855	rate on fodder ..	225-26,
MARTIAL LAW PRISONER(S)—			228
Question <i>re</i> —		Reference to late Mr. Owen	
Din Muhammad, a — ..	246,	Roberts ..	1
	659	Statement <i>re</i> retrenchment of one	
Muhammadan — ..	247	chief engineer ..	183-84
MATHEMATICS—		MILITARY TRIBES—	
Question <i>re</i> teachers of — in Gov-		Question <i>re</i> — and non-military	
ernment Colleges ..	252	tribes in the Punjab ..	167
MATRICULATION CANDIDATES—		MINISTERIAL ESTABLISHMENT—	
Question <i>re</i> admission of plucked		Question <i>re</i> — in the High Court	
— into schools ..	370	and the courts subordinate to	
MATRONS—		it ..	668
Question <i>re</i> head warders, war-		MOLASSES—	
ders and — in the Jail Depart-		Question <i>re</i> — on roads ..	601
ment and Indian Christians ..	298	MOLESTATION—	
MAYADAS, MR. E.—		Question <i>re</i> — of school boys by	
Adjournment motion <i>re</i> occupiers'		<i>goondas</i> ..	246
rate on fodder ..	219	MONEY-LENDERS—	
Bill, Relief of Indebtedness, the		Question <i>re</i> —	
Punjab—		Agriculturists, landed proprie-	
Motion for re-circulation ..	801-03	tors and — ..	574
Passing of — ..	1215-16	Fraudulent devices by — ..	1218-19
Farwel to Honourable Captain		And agriculturists in the Punjab	439
Sir Sikander Hyat Khan ..	1402	Pathan — ..	604
Franchise Committee's Report ..	1328-31	MONOPOLY—	
Joint Parliamentary Committee's		Question <i>re</i> — for plying motor	
Report ..	1290-95	lorries on hire ..	236
Reference to late Mr. Owen Ro-		MORTGAGE—	
berts ..	2	Question <i>re</i> usufructuary — of	
Resolution <i>re</i> propaganda against		land in Gujrat district ..	1161
use of alcohol and other intoxi-		MORTGAGE BANKS—	
cants ..	496-99	Question <i>re</i> debtors of — in Ho-	
MAYO HOSPITAL—		shiarpur and Ludhiana ..	459
Question <i>re</i> —		MESQUITOES—	
Appointment of Indian Chris-		Question <i>re</i> — in Lahore ..	595,
tians as house surgeons or			596-97
physicians in the — Lahore	1189-90	MOTION—	
Superintendent, Dispensary, —		For adjournment <i>re</i> appointment	
Lahore ..	36	of Revenue Member, leave	
MEDALS—		not sought ..	183
Question <i>re</i> — to police officers ..	602	For adjournment <i>re</i> occupiers'	
MEDICAL COLLEGE—		rate on fodder—	
Question <i>re</i> Aligarh University		Leave to move ..	79-80
students and admission to —,		Discussion on — ..	213-29
Lahore ..	522	MOTOR BUS—	
MEDICAL SCHOOL—		Question <i>re</i> — service from Simla	
Question <i>re</i> —		to Mashobra ..	241-42
Admission of girl students in		MOTOR CARS—	
—Amritsar ..	368-69	Question <i>re</i> tax on private — ..	308
Amritsar — ..	555-56		
	620-21		

	PAGES.
MOTOR LOBBIES—	
Question re —	
Irregularities by drivers of —	1222
Monopoly for plying — on hire	236
Between Hoshiarpur and Bhawan and Una ..	240
Between Narowal and Zafarwal ..	986
For hire ..	606
Rates for — ..	1186-87
Use of — by police officials ..	1221
MOTOR SERVICE—	
Question re — in Kangra District	535
MOTOR UNION—	
Question re licences on Pathankot-Dharamsala and Baijnath roads and Kangra — ..	250
MOTOR VEHICLE(S)—	
Question re — stand, Kalka ..	599-600
MUBARAK ALI SHAH, SAYAD—	
Bill, Relief of Indebtedness, the Punjab—	
Motion for re-circulation ..	803-07
Franchise Committee's Report ..	1333-37
MUGHLA—	
Question re —	
Arrest of — ..	726-27, 728
Murders committed by Harphul and — ..	483-34
Trial of — ..	727
MUHAMMAD ABDUL RAHMAN KHAN, CHAUDHRI—	
Bill, Relief of Indebtedness, the Punjab—	
Appeal against orders of conciliation boards ..	1071-72
Date on which to come into force ..	913-14
Loans to literate debtors, exemption of— from penalty clause ..	1395-96
MUHAMMAD AMIN KHAN, KHAN BAHADUR MALIK—	
Franchise Committee's Report ..	1355
MUHAMMAD HAYAT QURESHI, KHAN BAHADUR NAWAB—	
Bill, Relief of Indebtedness, the Punjab—	
Agreement, disregard of — by debtors ..	1069
Conciliation board, jurisdiction of — ..	999, 1012
Proceedings, duration of — before conciliation boards and lapse of applications ..	1087
Reference to late Mr. Owen Roberts ..	2
MUHAMMAD HUSSAIN, CHAUDHRI—	
Oath of office ..	865
MUHAMMAD JAMAL KHAN LEGHARI, KHAN BAHADUR NAWAB—	
Bill, Relief of Indebtedness, the Punjab—	
Motion for re-circulation ..	770-73
MUHAMMAD KHAN KHATTAR—	
Question re —, Lambardar of Ratwal ..	442

	PAGES.
MUHAMMAD HUSSAIN HAKIM—	
Question re M. — Principal, Gujrat College ..	233
MUHAMMAD SADIQ, SHAIKH—	
Bill, Relief of Indebtedness, the Punjab—	
Interest, excessive rate of, definition of — ..	884-87
Motion for re-circulation ..	791-97
Reference to select committee ..	210-13
Supplementary demands—	
Rural reconstruction ..	396-97
MUNYAL BRAHMANS—	
Question re notification of — of Lyallpur district as agriculturists ..	563
MUKERJEE, RAI BAHADUR MR. P.—	
Bill, Relief of Indebtedness, the Punjab—	
Application of — to loans advanced for trade or industry ..	935
Debtor, definition of — ..	978
Insolvency Act, Provincial, relaxation of the provisions of — ..	866
Interest, excessive rate of — definition of — ..	883-84
Franchise Committee's Report ..	1344-49
Reference to late Mr. Owen Roberts ..	3
MUMTAZ BANK—	
Question re — Limited ..	1153
MUNICIPAL BYE-LAWS—	
Question re —, Simla ..	421
MUNICIPAL COMMISSIONER—	
Question re Khan Sahib Dr. Noor Muhammad, —, Ludhiana ..	443
MUNICIPAL COMMITTEE(S)—	
Question re—	
Allowances in Lahore — ..	148-49
Allowances to the legal advisers of the Lahore — ..	149
Bye-laws framed by — of Jagraon ..	164-65
Communal representation in — Karnal ..	581
Complaint against Khan Sahib Dr. Nur Muhammad of Ludhiana — ..	706-08
Controversy between Lahore Electric Supply Company and Lahore — ..	238
Election to — Sargodha ..	275-76
Fazal Elahi, Qurban as candidate for the Lahore — ..	619
Girls' schools under — Ferozepore ..	470
Indian Christian members of — ..	313
Loss of file in Sadhora — ..	372
Burya ..	9-10
Hoshiarpur ..	555
Of Kasur ..	261-62
Kasur — and salaries of primary school teachers ..	263
Lahore — ..	129

	PAGES.
MUNICIPAL COMMITTEE(S) — conold —	
Question re — conold —	
Ludhiana —	1187-88
Lyallpur —	1236-26
Panipat —	567-58
Nomination of a lady to the	559
Sachora —	528-35
Nominations to Nafowal —	372-73
Representation of Muslims in	169-69
Campbellpore —	168
Sanitary inspector of —, Fe-	
rozepore —	470-71
Schools under —, Taunsa —	523
Separate or joint elotrates in —	151
Shops leased by the —, Sialkot	165
Terminal tax rates in —, Kasur	471
MUNICIPALITY(IES) —	
Question re —	
Aid by Ferozepore — to Hindu	
Students' Relief Society —	470
Depressed class members in —	
and district boards —	167
Enfranchising women in —	161-62
Executive Officer, Ludhiana —	443-44
And their obligations —	308
Karnal —	449
Licensing of premises in Sialkot	
—	166
Representation of Balmiki	
and Ad-Dharam communi-	
ties in —	67
Sonepat —	434-35
MUNICIPAL EMPLOYEES —	
Question re —, Simla —	420
MUNICIPAL ENGINEER —	
Question re —, Lyallpur —	557
MUNICIPAL EXECUTIVE OFFICERS —	
Question re —	37, 733-34
MURDER(S) —	
Question re —	
By Harphul and Mughla —	433-34
Of a man killed while giving	
chase to dacoits in Rohtak	
district —	275
Of Munshi Abdullah Khan, Sub-	
Inspector of Police, Rohtak	134-35
Woman of village Pakasma in	
Rohtak district killed by	
dacoits —	272
MURPHY, MR. A. —	
Oath of office —	1, 1185
MUSHTAQ AHMAD GUERMANI, KHAN	
BAHADUR MIAN —	
Bill, Relief of Indebtedness, the	
Punjab —	
Interest, excessive rate of,	
definition —	887-90
Franchise Committee's Report..	1923-25
MUSLIMS —	
Question re —	
Educational and economic con-	
ditions of — of Mianwali	
and Muzaffargarh districts —	521
Injustice to —	641
In Electricity Branch —	642-43
Representation of — in Camp-	
bellpore Municipal Committee	168

	PAGES.
MUSLIMS GIRLS —	
Question re stipends to —	183
MUSLIM GRIEVANCES —	
Question re —	643
MUSLIM HEADMASTER —	
Question re — for Central Model	
School, Lahore —	48
MUSLIM STUDENTS —	
Question re — in Central Model	
School, Lahore —	46
MUSLIM TEACHERS —	
Question re — of English —	253
MUSLIMS —	
Question re —, Upper Chenab	
Circle —	718
MUNSHI RAM JAIN —	
Questio. re passport to Japan	
for —	11
MUZAFFAR KHAN, KHAN BAHADUR	
NAWAB —	
Franchise Committee's Report ..	1368-62
Oath of office —	1, 1185
N.	
NAIB SHAHEAF SADAR —	
Question re dismissal of Kishan	
Lal, —, Hissar —	378
NAIB-TAHSILDARS —	
Question re —	
Indian Christians and —	297
Candidates in Jullundur divi-	
sion —	539
Pay and allowances of zilladars,	
— and overseers —	115-17
Qualifications for —	609
Recruitment of —	608-09
Tahsildars and — belonging to	
Simla district —	1223
NAIS —	
Question re —	735
NAL-CHAH —	
Question re — in Sonepat and	
Jhajjar tahsils —	31, 698
NARENDRA NATH, DIWAN BAHADUR	
RAJA —	
Adjournment motion re occupiers'	
rate on fodder —	218-19
Bill, Relief of Indebtedness, the	
Punjab —	
Amicable settlement between	
debtors and creditors —	1033-34
Amicable settlement, agree-	
ment of, between debtor	
and creditor, execution of,	1039-40,
	1042
Applications, dismissal of, ..	1027
Arrest for default in payment	
of decreed money —	1380
Conciliation board, jurisdic-	
tion of, —	1002-03
Debts, grant of certificates by	
conciliation board in respect	
of, —	1047-48
Debtor, definition of, ..	1119-21
Fair offer, definition of —	1052-56
False amounts entered in do-	
cuments, punishment for,	1389-90

PAGES.	PAGES.
NARENDRA NATH, DIWAN BAHADUR	
R. JA— <i>concl'd.</i> —	
Bill Relief of Indebtedness, the	
Punjab— <i>concl'd.</i> —	
Fictitious sum, addition of, to	
the sum actually advanced,	1174
penalty for, ..	
Interest, excessive rate of,	871-72
definition ..	
Loans secured by documents	
registered under the Indian	
Registration Act, exemption	
of, from penalty clauses ..	1393
Motion for re-circulation ..	671-73
Pending suite, application to,	
of, ..	918
Reference to select committee	318-23
Farewel to .. Honourable	
Capatin Sir Sikander Hyat	
Khan ..	1398-99
Reference to late Mr. Owen	
Roberts ..	2
Reference to late Chaudhri	
Shah Muhammad ..	384
NAUJAWAN MAZDUR—	
Question re proscription of the —,	
Amritsar ..	374
NAZUL LAND—	
Question re—	
In village Bhabra, tahsil Lahore	140-46
Near Town Hall, Kasur ..	454
Situate in Kasur, near Singh	
Sabha ..	261
NEWSPAPERS—	
Question re—	
Daily — in the province ..	446-48
Journals and — published in	
the Punjab ..	161
In the Punjab ..	236-37
Objectionable poem in daily	
<i>Siyasat</i> ..	455
NOMINATION(S)—	
Question re—	
Of a lady to the Sadhaura Muni-	
cipal Committee ..	372-73
To Indian Civil Service ..	22
To Narowal Municipal Commi-	
tee ..	168-69
To services ..	541-44
NON-AGRICULTURIST(S)—	
Question re—	
Alienation of land to — ..	1022, 1218
Alienation of land to — in Mian-	
wali and Campbellpur districts	1022
NON-MILITARY —	
Question re Military and — tribes	
in the Punjab ..	167
NON-OFFICIAL VISITORS—	
Question re—	
Of jails ..	1141-43
Lady — of jails ..	1143-44
NON-PERENNIAL CHANNELS—	
Question re — of Dipalpur and	
Pakpattan tahsils and relief in	
water rates ..	560-61
NON-TECHNICAL OFFICERS—	
Question re technical departments	
and — ..	266-68,
	270-71
NON-VOTED EXPENDITURE—	
Question re— ..	133
NUR MUHAMMAD, KHAN SANIB, DR.—	
Question re —, Municipal Com-	
missioner, Ludhiana ..	443
NORMAL SCHOOLS—	
Question re—	
Communal representation in	
Government — ..	370
Hindi as medium of instruction	
in — ..	379-80
Hindu students in — ..	379
NORMAL SCHOOL FOR GIRLS—	
Question re girls in —, Rohtak ..	272-73, 274
NOTARIES PUBLIC—	
Question re — ..	1149
NOTICE—	
Question re service of — on Fazal	
Ilahi, Qurban, under section 3	
of the Punjab Criminal Law	
(Amendment) Act ..	302
NUR ELAHI, KHAN BAHADUR, SHAIKH—	
Oath of office ..	1019
Question re—	
Assistant Director of Public In-	
struction ..	179
Books of — ..	640
Policy of — in the Education	
Department ..	277-83
NUR MUHAMMAD—	
Question re —, lambardar of chak	
No. 174, village Muhammad-	
pura ..	156-58,
	660, 661,
	662, 722-
	24
NUR MUHAMMAD, KHAN SANIB, DR.—	
Question re complaint against —	
of Ludhiana Municipal Commi-	
tee ..	706-08
NURULLAH, MIAN—	
Adjournment motion re occupiers'	
rate on fodder ..	217-18
Bill, Relief of Indebtedness, the	
Punjab—	
Co-operative banks and so-	
cieties, exemption of from	
jurisdiction of conciliation	
boards ..	968-69
Fictitious sums, addition of,	
to the sums actually ad-	
vanced, penalty for, ..	1171-72
Interest, excessive rate of,	
definition ..	872-73
Limitation, extension of	
period of, ..	1093
Motion for recirculation ..	798-801
Franchise Committee's Report ..	1320-23
Joint Parliamentary Committee's	
Report ..	1266-67
O.	
OATH OF OFFICE—	
Anderson, Mr. J. D. ..	1
Askwith, Mr. A. V. ..	1, 1019,
	1309
Beant Singh, Sardar Sahib Sardar	855

PAGES.	PAGES.
OATH OF OFFICE—condid.—	PARDIT, MR. NANAK CHAND—
Bourne, Mr. F. C. .. 365	Bill, Relief of Indebtedness, the
Dodd, Mr. R. J. S. .. 1185	Punjab—
Garbett, Mr. C. C. .. 1105	Appeal against orders of con-
Grindal, Mr. A. D. .. 1	ciliation boards .. 1078-80
Janmeja Singh, Sardar Bahadur	Application of, to loans ad-
Captain Sardar .. 1139	vanced for trade and indus-
Macfarlane, Mr. D. .. 365	tries .. 924-28
Marsden, Mr. P. .. 855	Conciliation boards, jurisdic-
Muhammad Husain, Chaudhri .. 855	tion of, .. 1003-05
Murphy, Mr. A. .. 1, 1185	Co-operative banks and socie-
Musaffar Khan, Khan Bahadur	ties, exemption of, from
Nawab .. 1, 1135	jurisdiction of conciliation
Nur Elahi, Khan Bahadur Shaikh .. 1019	boards .. 966-68
Pearson, Mr. H. J. .. 1309	Debtor, definition of, .. 981-82
Puckle, Mr. F. H. .. 1063, 1217	Fictitious sum, addition of,
Roberts, Prof. W. .. 365	to sums actually advanced,
Sanderson, Mr. R. .. 1103, 1217	penalty for, .. 1173-74
Umar Hayat, Chaudhri .. 1	Loans to literate debtors,
Wace, Mr. F. B. .. 1, 405	exemption of, from penalty
Zaman Mehdi Khan, Khan Baha-	clause .. 1394-95
dur Malik .. 365	Motion for re-circulation .. 682-92,
OCCUPIERS' RATE—	747-55
Adjournment motion re — on	Passing of, .. 1196-1204
fodder—	Reference to select committee .. 351-59
Leave to move, .. 79-80	Bill, Suppression of Immoral
Discussion on, .. 213-29	Traffic, the Punjab—
Question re—	Introduction .. 613
Modifications in — to inunda-	Circulation for public opinion .. 614-15
tion Canals, Dipalpur and	Franchise Committee's Report .. 1357-58
Pakpattan tahsils .. 377	Joint Parliamentary Committee's
On Sutlej Valley Project Canals .. 955	Report .. 1253-66
OFFENCE(S)—	Supplementary Demands—
Question re — .. 726	Rural reconstruction .. 399-400
OFFICIALS—	PARTIES—
Question re — punished by S.	Question re public — to public
Sewaram Singh .. 299	servants .. 120-27
OFFICIAL CHAIRMEN—	PASSPORT—
Question re powers of — of district	Question re — to Japan for Munshi
boards .. 376	Ram, Jain .. 11
OFFICIAL REMOIVERS—	PATIENTS—
Question re — .. 694	Question re religion of — in civil
Question re — in bankruptcy .. 1021	dispensaries .. 453
OIL-SHEDS—	PATWARIS—
Question re damage to —, gram	Question re—
and other crops, Hissar District .. 4	Indian Christian tahsildars,
ORDERLIES—	naib-tahsildars, — etc. .. 297
Question re — of officers .. 568	Inspection fee of — records .. 43
OVERDRAFT—	And Indian Christians .. 296
Question re — from the Central	In tahsil Dasuya .. 234, 621
Co-operative Bank, Ferozepore .. 609	Provident Fund Scheme for —
OVERSEER(S)—	Retirement of canal — .. 716
Question re—	Sikh—and kanungos in Ludh-
Pay and allowances of zilladars,	iana district .. 68-69
naib-tahsildars and — .. 115-17	PAY—
Reduction of a Muslim —, Elec-	Question re—
tricity Branch .. 625	And allowances of zilladars,
Retrenched Canal — .. 1187	naib-tahsildars and overseers .. 115-17
OWEN ROBERTS, MR.—	Of Imperial services .. 552
Reference to late — .. 1	Special — and allowances .. 22
P.	Revision of scale of — .. 27
PAKPATHAN CANAL—	Of sub-assistant surgeons .. 118
Question re Khadder Branch of	Of sub-inspectors of police .. 118-19
the — .. 173, 231	PEARSON, MR. H. J.—
PANCHAYAT OFFICERS—	Oath of office .. 1309
Leave allowances to discharged, .. 402	PERMISSION—
	Question re — to write books .. 290

PAGES.	PAGES.
PHYSICAL INSTRUCTION—	POLICE SERVICE—
Question re—	Question re Aggarwals in .. 161
In girls' schools and colleges .. 315-16	POLIOY—
Of instructresses .. 316	Question re — in the Education .. 277-83
PHYSICIANS—	POLITICAL OFFENDERS—
Question re appointment of Indian ..	Question re — .. 237
Christians as house-surgeons or .. 1189-90	POLITICAL PRISONERS—
— in the Mayo Hospital, Lahore ..	Question re — .. 1310
PIR MAHAL—	POLITICAL WORKER(S)—
Question re—	Question re—
Malikana in — extension .. 35, 484	Description of certain prisoners .. 581-82
Sites for — Mandi.. .. 35	as "Babar Akalis" or — .. 560
PISTOL—	General elections and — .. 555
Question re loss of — belonging to .. 713-14	Harassment of — by police ..
Dr. Kidar Nath, Simla ..	POPULATION—
PLANS—	Question re increase in the — of .. 305
Question re—	Moga and Abohar ..
Land — .. 599	POSTS—
Lay-out — in Lahore .. 597	Question re—
PLAY-GROUND(S)—	Filling up of — in the Electricity .. 633
Question re — for girls at the .. 316-17	Branch ..
Girls High School, Moga .. 316	Held by Hindus in Mianwali .. 739
In high schools for girls ..	POULTRY SCHOOL —
PLEADERS—	Question re Government — .. 462
Question re advocates and — en- .. 469	PRESIDENT, MR.—
rolled in the Lahore High Court ..	Attacking the Chair .. 1070
POHLL—	Bill, desirability of taking up for .. 862-65
Question re — and Leh .. 318	consideration original clauses ..
POLICE—	with correlative new clauses and .. 1182
Question re—	verbal amendments together ..
Additional — in Rohtak dis- .. 727-28	Bill, Relief of Indebtedness, the .. 1182
trict .. 274-75	Punjab, reference to drafting ..
Deputy Superintendent of — .. 555	committee ..
Harassment of political wor- .. 21	Farewell to Honourable Captain .. 1402
kers by — .. 118-19	Sir Sikander Hyat Khan ..
Indian — .. 237	Consultation with Council re desirability of allowing amend- .. 1159-60
Persons shadowed by the — .. 154-56	ments at short notice, discus- ..
Punitive — post in Chak 174, .. 20	sion re, ..
Muhammadpura .. 1221	Owen Roberts, reference to late .. 3
Sub-Inspector of —, Indari .. 554	Mr., ..
Use of motor lorries by — offi- .. 668-71	cial ..
cials .. 384	Parliamentary practice, adoption .. 1137
Sub-inspector of —, Hansi and .. 222, 226	of, in case of a Bill substantially ..
his staff .. 664	altered by select committee ..
POLICE CONSTABLE(S)—	Shah Muhammad, Chaudhri, re- .. 384
Question re—	ference to late, ..
Indian Christians as — .. 295	Speech, right of, of members .. 1137
Kundan .. 434	Withdrawal order against Chaudh- .. 222, 226
Recruitment of — from Rohtak .. 567-68	ri Allah Dad Khan for disorderly ..
POLICE DEPARTMENT—	conduct, and forgiveness ..
Question re—	PRESS—
Prosecuting branch — .. 665	Question re inquiry into the leak- .. 446
Recruitment in — .. 607	age of information re Govern- ..
Statutory Hindu agriculturists .. 664	ment departments to — ..
in certain cadres of — ..	PRICE—
POLICE LINES—	Question re — and rent of agricul- .. 121-22
Question re dust nuisance in —, .. 985	tural land ..
Qilla Gujar Singh ..	PRIMARY EDUCATION—
POLICE OFFICERS—	Question re Committee to over- .. 167
Question re—	haul — ..
Complaints against — .. 706	PRIMARY SCHOOL FOR GIRLS—
Deaths of — while discharging .. 603	Question re —, Ferozepore .. 314
duty .. 602	PRIMARY SCHOOL TEACHERS—
Medals to — ..	Question re Municipal Committee, .. 263
Kasur and salaries of the — ..	Kasur and salaries of the — ..

	PAGES.		PAGES.
PRINCIPAL(S)—		PROSCRIPTION—	
Question re—		Question re — of <i>Naujawan Mar-</i>	
Communal tendencies of Mr.		dur, Amritsar	374
Hakim, —, Gujrat College ..	181	PROVIDENT FUND—	
Of Government colleges ..	265	Question re — scheme for pat-	
Of Government colleges and		wards	312
rent free residential quarters	166	PROVINCIAL EDUCATIONAL SERVICE—	
Of Government Intermediate		Question re statutory Hindu agri-	
College, Paatur ..	255	culturists in — ..	662
Unauthorised occupation of		PUBLIC ACCOUNTS COMMITTEE—	
bungalow of —, Gujrat Col-		Report of the, on the appropria-	
lege	162	tion accounts	404
PRINTING—		PUBLIC PARTIES—	
Question re — work of Lahore		Question re — to Government ser-	
High Court	1144-45	vants	126-27
PRISONER(S)—		PUBLIC PROSECUTOR(S)—	
Question re—		Question re Hindu agriculturists	
B Class —	699-700	as —	728
Chander Kishore, a civil — of		Question re —	1149
1929	700	Question re —	
Chaudhri Sher Jung, —, Multan		Of Gujrat	440
Central Jail	284, 620	Special —, Sialkot ..	20
Civil —	419	PUBLIC SERVANTS—	
Civil disobedience — ..	122-23	Question re salary bill of — ..	20-21
1914-15 conspiracy — ..	247	PUBLIC SERVICES—	
Description of certain — as		Question re—	
'Bashar Akalis' or 'Political		Agriculturists in — ..	299-301
Worker'	581-82	Rajputs in —	301
Holidays to —	9	PUBLIC WORKS DEPARTMENT—	
Literacy among — in Punjab		Question re —	22-26
jails	457	PUBLICATIONS—	
Martial law —	659	Question re — of Text Book Com-	
Political —	1310	mittee	290
Supply of articles to civil — ..	417-19	PUCKLE, Mr. F. H.—	
PRIVATE COLLEGES—		Oath of office	1063, 1217
Question re boarding-houses of		PUNISHMENT —	
aided —	315	Question re—	
PRIVATE TUTORING—		Officials punished by S. Sewaram	
Question re—	46-47	Singh	299
Question re unauthorised — by		PUNJAB CIVIL MEDICAL SERVICE—	
teachers of Central Model School,		Question re—	
Lahore	47	Hindu agriculturist candidates	
PROFESSORS—		for the —	464-65
Questions re—		Indian Christians in the — ..	293-94
Hindu — of Persian and Urdu		PUNJAB CIVIL SECRETARIAT—	
in Government colleges ..	464, 480	Question re direct recruitment	
In Government College, Lahore	732	in —	606-97
PROFESSIONAL TAX—		PUNJAB CIVIL SERVICE—	
Question re—		Question re Judicial Branch of	
Haisiyat or —	151-52	the —	429
In Ambala	455-56	PUNJAB EDUCATION DEPARTMENT—	
In the district of Ferozepore ..	139-40	Question re Sikhs in the clerical	
Recovery of — in Ferozepore		establishment of the, — ..	260-61
district	137	PUNJAB EDUCATIONAL SERVICE—	
PROFESSIONAL TAX OFFICER—		Question re Muslims in — ..	732-33
Question re —, Jhelum ..	313	Question re —	250-51
PROJECT ENGINEERS—		Question re Sikh ladies in — ..	9
Question re —	452-53	PUNJAB ENGINEERING SERVICE—	
PROMOTION(S)—		Question re — and Indian Chris-	
Question re — in Education De-		tians	295
partment	485-86,	PUNJAB HEALTH SCHOOL—	
	728-29	Question re —, Lahore ..	317
PROPERTY—		PUNJAB LOCAL OPTION ACT—	
Question re auction of — attached		Question re —	158-60
in execution of decrees ..	694-95		

	PAGES.
PUNJAB UNIVERSITY—	
Question re representation of Faculty of Law in the— ..	1152
PUNJAB VETERINARY SERVICE—	
Question re Chaudhri Kahan Singh — ..	269-70, 423
Question re —, Class I ..	268-69
PUNITIVE POLICE—	
Question re—	
Post in Chak No. 174, Muhamadpura ..	154-56, 661
In Rohtak district ..	568-69, 572, 724-25
Resolution re — ..	502-20
PUNITIVE POLICE TAX—	
Question re —, Chak 174, Muhamadpura ..	660
PURI, MR. MUKAND LAL—	
Bill, Relief of Indebtedness, the Punjab—	
Amicable settlement between debtors and creditors ..	1031-33, 1035-36, 1037
Applications, dismissal of, ..	1027
Application of, to loans advanced for trade or industry ..	920-22, 939-40
Arrest for default in payment of decreed money ..	1381-85
Companies registered under Indian Companies Act, exemption of, ..	1367-69, 1370-71
Conciliation boards, jurisdiction of, ..	1008-12
Conciliation boards, setting up of, ..	990-95
Co-operative banks and societies, exemption of, from jurisdiction of conciliation boards ..	969-71
Court-fees ..	1094-95, 1096-97
Date on which Bill is to come into force ..	907-10
Debts, exemption of, certain classes of, from jurisdiction of conciliation boards ..	947-52
Debtor, definition of, ..	1373-74, 1375
Decree for debt incurred after agreement or in respect of which certificate has been granted, execution of, ..	1058-60
Deposit of money by debtor along with applications ..	1018, 1023-25
Deposits of money in courts by debtors ..	1109-10
Fair offer, definition of, ..	1055
False amounts entered in documents, punishments for, ..	1390-92
Insolvency Act, Provincial, relaxation of provisions of, ..	867

PURI, MR. MUKAND LAL—concl'd.	
Bill, Relief of Indebtedness, the Punjab—concl'd.	
Insurance companies, exemption of, ..	906, 1367-69
Interest, excessive rate of, definition ..	873-81, 1366
Limitation, extension of period of, ..	1093
Limitation of application of, to loans ..	1099
Loans secured by documents registered under Indian Registration Act, exemption of, from penalty clauses ..	1393
Loans to literate debtors, exemption of, from penalty clauses ..	1394
Motion for re-circulation ..	907-23
Particulars in application, statement of, ..	1015-17
Passing of, ..	1211-15
Pending suits, application of, to ..	918-19
Period of operation of, ..	1101-03
Proceedings, duration of, before conciliation boards and lapse of applications ..	1086-87, 1089
Proceedings, stay of, in civil courts ..	1084-85
Reference to select committee ..	93-106, 184-88
Secured loans, definition of, ..	906
Franchise Committee's Report ..	1339-44

Q.

QANUNGOS—	
See kanungos.	
QUARTERS—	
Question re clerks' —, Simla ..	12
QUESTIONS—	
Answering of — in Urdu, discussion re ..	647-50
QUESTIONS AND ANSWERS—	
AFZAL HAQ, CHAUDHRI—	
Question re—	
Ahsan Ilahi ..	659
Aid by Ferozepore Municipality to Hindu Students' Relief Society ..	470
Alienation of agricultural land in Chakwal ..	441-42
Aligarh University Students and admission to Medical College, Lahore ..	522
Appointment of Mr. Sibon, as Local Manager in Electricity Branch ..	626
Bogus voters ..	1310
Cases of suicide and attempted suicide ..	409-10
Census of the unemployed ..	153
Chaudhri Sher Jung, prisoner, Multan Central Jail ..	284, 620

QUESTIONS AND ANSWERS— CONTINUED—

AFZAL HAQ, CHAUDHRI—*contd.*—

Question re—

Civil disobedience ..	123
Civil disobedience prisoners ..	122-23
Clerical staff in the Electricity Branch ..	633-34
Communal award ..	449
Communal representation in the services ..	234-36
Confinement of Babu Satindra Nath Sen, a Bengal detenu, in Campbellpur Jail ..	1154
Constitution of Upper Chamber in the Punjab ..	619
Controversy between Lahore Electric Supply Company and Lahore Municipal Committee ..	238
Criminal Investigation Department under the new constitution ..	559
Cultivated area in Ambala district ..	127-28
Daily newspapers in the province ..	446-48
Debt of agriculturists in Muzaffargarh, Multan and Mianwali districts ..	461
Debtors of mortgage banks in Hoshiarpur and Ludhiana ..	459
Deputy Commissioners, of Mianwali ..	440-41
Detenues in the Punjab jails ..	237
Detention of Mr. S. A. Vatsyana in custody ..	68
Din Muhammad, a martial law prisoner ..	248
Director of Industries ..	407-09
Distillery at Amritsar ..	445
Dogra, as Statutory Agriculturists ..	245-46
Economic and educational conditions of Muslims of Mianwali and Muzaffargarh districts ..	521
Elections of the Senior and Junior Vice-Presidents, Lahore District Board ..	410
Exemption of sword from the Arms Act ..	449
Extra Assistant Commissioners from Ludhiana district ..	460
Fazal Elahi, Qurban, as candidate for the Lahore Municipal Committee ..	619
Filling up of posts in the Electricity Branch ..	633
Fisheries Research Officer ..	558-59
Floods in village Kot Qutab Din ..	715
Flood relief to villagers of Atari in Garhsaunkar Tahsil ..	522
Frontier Crime Regulations Committee Report ..	153

QUESTIONS AND ANSWERS— CONTINUED—

AFZAL HAQ, CHAUDHRI—*contd.*—

Question re—

Gazetted posts in Electricity Branch ..	623
General elections and political workers ..	560
Ghazi Abdur Rahman of Amritsar ..	445
Girls' schools under Ferozepore Municipal Committee ..	470
Goraya-Phillaur Project, Electricity Branch ..	709
Government Poultry School Gurdawara site in Mandi Baha-ud-din ..	440
Harassment of political workers by police ..	555
Harbans Lal, clerk, Electricity Branch ..	710
Head clerks, Agricultural Department ..	713
Head Works Engineer, Electricity Branch ..	624-25, 626, 462
Honorary magistrates ..	462
Houses of ill-fame in Muhalla Wakefield Ganj, Ludhiana ..	621-22
Hunger strike in Lahore Central Jail ..	236
Ilaqa Beit, Ludhiana ..	245
Ilaqas Beit of Hoshiarpur and Ludhiana ..	459-60
Inquiry into the leakage of information re Government Departments to Press ..	446
Khwaja Abdur Rahman, Ghazi of Amritsar ..	246
Lala Chokha Nand, Fisheries Department ..	712-13
Land belonging to agricultural tribes in Pind Dadan Khan ..	442-43
Land grants in Ludhiana and Hoshiarpur districts ..	460
Line Superintendent ..	708-09
Line Superintendents, Electricity Branch ..	627, 628, 629-31
Local Manager, Electricity Branch ..	626-27
Loss of a golden ornament on the railway platform, Lahore ..	233
Loss of sealing pliers in Lyallpur ..	623
Maheesh Chand Memorial Library, Ferozepore ..	471
Malik Lachhman Dasa, Line Superintendent, Electricity Branch ..	627-28
Martial Law prisoners ..	659
Medical School, Amritsar ..	555-56, 620-21
Memorial from Zamindars of Ilaqa Beit ..	719

	PAGES.
QUESTIONS AND ANSWERS— CONTINUED—	
AFZAL HAQ, CHAUDHRI—contd.—	
Question re—	
Molestation of school boys by goondas ..	246
Monopoly for plying motor lorries on hire ..	236
Motor lorries between Hoshiarpur and Bhawan and Una ..	240
Muhammad Khan Khattar, Lambardar of Ratwal ..	442
Muhammadan Martial Law prisoners ..	247
Muhammadan raiidars in the Amritsar district ..	284-85
Municipal Committee, Hoshiarpur ..	555
Municipal Committee, Lyallpur ..	557-58, 559.
Municipal Engineer, Lyallpur ..	557
Newspapers in the Punjab ..	236-37
Non-voted expenditure ..	183
Notice under Criminal Law Amendment Act to Mirza Bashir-ud-Din Mahmud of Qadian ..	1269
Nur Muhammad, Lambardar of Chak No. 174, village Muhammadpura ..	156-58, 660-61, 722-24.
Opinion on Joint Parliamentary Committee Report ..	1310-11
Patwaris in tahsil Dasuya ..	234, 621
Persons shadowed by the police ..	237
Political offenders ..	237-38
Political prisoners ..	1310
Powers to deal with terrorists in the next constitution ..	1309
Produce of rabi in Hoshiarpur and Ludhiana districts ..	234
Prosecution of Muhammadans under the Sarda Act ..	459
Public parties to public servants ..	126-27
Public Prosecutor, Gujrat ..	440
Public traffic on canal banks Punjab Criminal Law (Amendment) Act ..	125-26, 244-45
Punitive police post in Chak No. 174, Muhammadpura ..	154-56, 661.
Punitive Tax, Chak 174, Muhammadpura ..	660
Railway freight on cotton and wheat ..	124
Reduction of <i>abiana</i> and land revenue ..	124
Reduction of land revenue ..	124, 1309
Reduction of a Muslim Overseer, Electricity Branch ..	625

	PAGES.
QUESTIONS AND ANSWERS— CONTINUED—	
AFZAL HAQ, CHAUDHRI—contd.—	
Question re—	
Relief of uneconomic holdings in Hoshiarpur and Ludhiana ..	458-59
Removal of disqualification for election to Assembly ..	444-45
Removal from service, Electricity Branch ..	628-29
Retirement of canal patwaris ..	716
Roads in <i>itaga</i> Bait, Ludhiana ..	461
Rural Reconstruction Department ..	719
Sale of agricultural land in Gujrat ..	14-19
Sanitary Inspector of Ferozepore Municipality ..	470-71
School in Mandi Baha-ud-din ..	440
Schools under District Board, Dera Ghazi Khan ..	523
Schools under Taunsa Municipal Committee ..	523
Second Mistress at the Phalia Zenana School ..	523-24
Security of the <i>Easan</i> under the Indian Press Act ..	740-41
Service of notice on Fazal Ilahi, Qurban, under section 3 of the Punjab Criminal Law (Amendment) Act ..	302
Shut downs, Chuharkana Electricity Branch ..	632
Shut downs in the Low Tension Lines, Electricity Branch ..	632-33
Shut downs in the trunk and branch transmission lines, Electricity Branch ..	631
Stipends to Muslim girls ..	183
Supersession by Shamsher Bahadur, Agricultural Department ..	714
Suspension of civil disobedience and removal of ban on candidates for Assembly ..	123
Taqavi loan to Ahmad Hussain, Lambardar, Zuhawan, Ludhiana district ..	521
Terminal tax rates in Kasur Municipality ..	471
Theft of electrical energy in Lyallpur ..	622
Uneconomic holdings and land revenue rates ..	461-62
Women teachers ..	153-54
Zaidars in Amritsar ..	182
AHMAD YAR KHAN DAULATANA, KHAN BAHADUR MIAN—	
Question re Khaddar branch of the Pakpattan Canal ..	173-231
AKBAR ALI, PIR—	
Question re—	
Auction purchasers on Lower Bari Doab Colony ..	711-12
M. R. C. V. S. men ..	719-20

2384.

QUESTIONS AND ANSWERS—

CONTINUED.—

ALLAH DAD KHAN, CHAUDHRI—

concluded.

Question re—

Alienation of agricultural land in Pind Dadan Khan tahsil .. 1021

Alienation of agriculturists' land .. 436, 438-39.

Alienation of land to non-agriculturists .. 1022

Alienation of land to non-agriculturists in Mianwali and Campbellpur districts .. 1022

Allowances in Lahore Municipal Committee .. 148-49

Allowances to the legal advisers of the Lahore Municipality .. 149

Average agricultural holding .. 437

Average yield per acre of wheat .. 438

Baqmi transactions in Gohana tahsil .. 128-29

Botany Department, Government College, Lahore .. 1224-25

Canal Advisory Committees of Dipalpur and Sohag divisions .. 365-67

Communalism in Lahore High Court .. 462-63

Co-operative societies .. 347

Cow sacrifice at Bhil Chhapar .. 435-36

Divisional officer and sub-divisional officer, Canals, Lyallpur .. 433

Dust nuisance in police lines, Qilla Gujjar Singh .. 985

Election(s) of Senior and Junior Vice-Chairmen, Lahore District Board .. 146-48, 149-50, 375-76

Establishment of the District and Sessions Judge, Lahore .. 304-05

Head of Dek Nulla .. 1217

Irregularities by drivers of motor lorries .. 1222

Junior Vice-Chairman, Lahore District Board .. 377

Lady Aitchison Hospital, Lahore .. 1185

Lahore Qutab Ice Factory .. 233

Lorries between Narowal and Zafarwal .. 986

Mahars .. 1022

Modifications in occupiers' rate to inundation canals, Dipalpur and Pakpattan tahsils .. 377

Money-lenders and agriculturists in the Punjab .. 439

Murders committed by Harphal and Mughla .. 433-34

Occupiers' rates on Sutlej Valley Project Canals .. 855

PAGES.

QUESTIONS AND ANSWERS—

CONTINUED.—

ALLAH DAD KHAN, CHAUDHRI—

concluded—

Question re—

Officials punished by Sardar Sewaram Singh .. 299

Official Receivers in bankruptcy .. 1021

Police Constable, Kundan .. 434

Powers of official Chairmen of district boards .. 376

Qutab Ice Factory, Lahore .. 985

Ram Gopal, a lambardar of Naraingarh .. 271-72

Rates for lorries .. 1185-86

Remission of fees for teachers' sons .. 377-78

Sale of ancestral agricultural land in Kotli Akhwanan .. 407

Service appeals in the Lahore High Court .. 293

Sonapat Municipality .. 434-35

Sub-inspector of police, Indari .. 29

Tenure of office of Vice-chairman, Lahore District Board .. 375

Total acreage of agricultural land .. 467-38

Transfer of Mr. Basheshar Nath, Clerk of Court .. 299

Use of motor lorries by police officials .. 1221

Villages irrigated by Lower Jhelum Canal .. 1139

ARJAN SINGH, SARDAR—

Question re—

Complaints in courts of Magistrates, 1st Class, Hoshiarpur .. 735-36

Co-operative societies and unions in the Hoshiarpur district .. 702

Description of certain prisoners, as "Babar Akalis" or "Political Workers" .. 581-82

Erosion Committee .. 710-11

Government College, Hoshiarpur .. 729-30

Magistrates, 1st Class, in the Hoshiarpur district .. 703

Remissions in Hoshiarpur district .. 711

Sikh assistant superintendents of jails .. 731

Sikh deputy superintendents of jails .. 730

Staff of Central Training College, Lahore .. 579

Staff of Government College, Lahore .. 579-80

BANSI LAL, CHAUDHRI

Question re—

Representation of Balmiki and Ad Dharam community in municipalities .. 67

PAGES

QUESTIONS AND ANSWERS— CONTINUED—

BANSI LAL, CHAUDHRI—
concluded.—

Question re—

Representation of Balmiki
and Ad Dharam com-
munity in services ..

67-68

BISHAN SINGH, SARDAR—

Question re—

Remissions ..

45-6

Water supply to gardens ..

70-1

BUTA SINGH, SARDAR BAHADUR
SARDAR—

Question re—

A class local managers in
the Electricity Branch ..

524-25

Additional District Judge at
Sheikhpura ..

303

CHETAN ANAND, LALA—

Question re—

Assessors in Hissar district ..

5-6

Chandar Kishore, a civil
prisoner of 1929 ..

700

1914-15 Conspiracy prison-
ers ..

247

Havelian Project ..

247-48

Ibrahim Khan, Zaildar of
Mangali ..

6

CHHOTU RAM, RAO BAHADUR
CHAUDHRI—

Question re—

Abolition of special pay to
officers of Imperial ser-
vices ..

566

Absconders in the province ..

569-70

Absconders in Rohtak dis-
trict ..

135

Action against corrupt offi-
cials in Rohtak district ..

728

Additional police in Rohtak
district ..

727-28

Alienations of agriculturists'
land ..

133-34

Alienation of agriculturists'
land ..

695

Application of transfer of
Property Act to urban
areas ..

567

Arrest of Mughla ..

726-27,

728.

Auction of property attached
in execution of decrees ..

694-95

Candidates for Sub-Judges'
examination ..

693-94

Chowkidars in the Rohtak
district ..

568

Cognizable cases in the Pun-
jab ..

570-71

Criminal cases in Rohtak ..

135

Crops in Chak No. 681/22,
Ram Nagar ..

33-4

Damage to crops in Rohtak ..

32-3

Direct recruitment in Punjab
Civil Secretariat ..

696-97

District Board, Rohtak ..

37-8, 699

Drain in Rohtak and near
Asandah ..

31-2

QUESTIONS AND ANSWERS— CONTINUED—

CHHOTU RAM, RAO BAHADUR
CHAUDHRI—continued—

Question re—

Drain near Asandah ..

698

Excise sub-inspectors ..

663-64

Flood Relief ..

43-4

Fraudulent devices by money-
lenders ..

1218-19

Gohana Hospital ..

44-5

Grants-in-aid to schools ..

45

Grant to District Board,
Rohtak towards flood
damage ..

40-41

Hindu agriculturists as pub-
lic prosecutors ..

728

Indian Christian Sub-judges ..

665

Indian Civil Service Officers ..

21

Indians in Imperial Services ..

26

Indians in Indian Civil Ser-
vice ..

21

Indian Police ..

21

Inspection fee of patwaris'
records ..

43

Malikana ..

43

Malikana in Pir Mahal Ex-
tension ..

35

Ministerial establishment in
the High Court and the
courts subordinate to it ..

666

Municipal Executive Officers ..

37

Murder of Munshi Abdulla
Khan, Sub-inspector of
Police, Rohtak ..

134-35

Jat inspectors or sub-inspec-
tors of excise, Ambala divi-
sion ..

29

Kharaba ..

39-40

Kharif crops ..

38-9

Lala Besant Lal, candidate
for Sub-Judges' examination ..

693

Land owners as criminal tribes
in Rohtak district ..

35-6

Leave rules ..

27, 698

Nal-chak in Sonapat and
Jhajjar tahsils ..

31, 698

Nominations to Indian Civil
Service ..

22

Non-official chairmen of dis-
trict board ..

1188-89

Offences ..

726

Official Receivers ..

694

Orderlies of officers ..

568

Prosecuting Branch, Police
Department ..

665

Public Works Department ..

22-6

Punitive police in Rohtak
district ..

724-25

Recoveries of debts by Con-
tral Co-operative Bank,
Rohtak and Co-operative
Union, Sonapat ..

135-36

Recruitment of police con-
stables from Rohtak district ..

567-68

Regulation of Accounts Act ..

695

Revision of scale of pay ..

27

PAGES.

PAGES.

QUESTIONS AND ANSWERS—
CONTINUED.CHHOTU RAM, RAO BAHADUR
CHAUDHRY—continued.

Question re—

Rule under Section 61, Civil Procedure Code ..	134
Salary bill of public servants ..	20-21
Selection of sub-Judges ..	132
Sites for Pir Mahal Mandi ..	35
Special pay and allowances ..	22, 696
Statutory agriculturists in Financial Commissioners' office ..	29
Statutory Hindu agriculturists as Sub-Judges ..	132-33
Statutory Hindu agriculturists in certain cadres of Irrigation Department ..	664
Statutory Hindu agriculturists in certain cadres of police services ..	664
Statutory Hindu agriculturists in Provincial Educational Service ..	662
Statutory Hindu agriculturists in Subordinate Educational Service ..	662-63
Statutory Hindu agriculturists in various services ..	663
Sub-Judges ..	27-28
Suspension of land revenue in Rohtak, Hissar, Gurgaon and Karnal districts ..	41-43
Taqavi in Sonapat ..	44
Tax on bicycles ..	567
Tax on bottles of aerated waters ..	567
Trial of Mughla ..	727
Vacancies in Civil Secretariat ..	28-29
Zilladar candidates ..	29-30
Zilladars ..	30

CROWDERY, MR. SAJAN KUMAR—

Question re—

Damage to oil seeds, gram and other crops ..	4
Land revenue in Hissar district ..	4
Taqavi in Hissar district ..	3-4
FARAL ALI, KHAN BAHADUR, NAWAR, CHAUDHRY,—	
Question re policy in the Education Department ..	277-83

FATIE HUSAIN KHAN, CHAUDHRY

Question re—

Abiana ..	243
Custody of cattle found within the canal boundaries ..	1309
Irrigation in Jandiala division ..	242
Kharaba in Jandiala division ..	242-43
Mr. Sally, Sub-divisional Officer, Subraon branch ..	587-58
Produce of wheat and gram ..	243-44

QUESTIONS AND ANSWERS—
CONTINUED.GURBACHAN SINGH, SARDAR
SANTH, SARDAR.

Question re—

Electric power for agricultural purposes ..	451
Electric Wiring in Ludhiana Town ..	450
Energy taken by the Jullundur Electric Supply Company ..	451
Maximum output of Mandi Hydro-Electric Scheme ..	450
Project engineers ..	452-53
Sikhs and Educational Gazette, Jullundur ..	1224
Sikh representation in Financial Commissioners' Office ..	368

HABIB ULLAH, KHAN BAHADUR,
SARDAR—

Question re—

Appointment of Revenue Member ..	276-77
Lady non-official visitors of jails ..	1143-44
Malikana rates in the Pir Mahal Extensions ..	487
Remission of taqavi in the Hissar district ..	487
HAIBAT KHAN DAHA, KHAN—	
Question re sale of Government lands in Lower Bari Colony ..	13-14

JAWAHAR SINGH DHILLON, SARDAR—

Question re—

Abiana ..	259-60
Accepted candidates (Assistant Superintendent) ..	255-58
Change of religion in entries by Government servants ..	406
Cotton crops in village Shahzada ..	1220
Deputy Superintendent of Police, Finger Print Bureau ..	6-7
Enlistment of Mian Chiragh-ud-Din as member of Criminal Tribe ..	1311
Fisheries Department ..	263-64
Fisheries revenue ..	1220-21
Inspector of Fisheries ..	264-65
Landowners of village Dudar ..	259
Lease of a plot of land in Kasur ..	265
Municipal Committee of Kasur ..	261-62
Municipal Committee Kasur and salaries of the primary school teachers ..	263
Nazul land situate in Kasur near Singh Sabha ..	261
Persons who have passed B. A., English ..	259
Reduction of water rates ..	258-59
Seduction in schools ..	7
Seduction of boys by teachers ..	405-06
Sikhs in the clerical establishment of the Punjab Education Department ..	260-61

QUESTIONS AND ANSWERS— CONTINUED.

JAWAHAR SINGH DHILLON,
SARDAR—*concluded.*

Question re—

Sikhs in the services ..	737-38
Subordinates in Irrigation Branch ..	1219
Vacancies in the cadre of Agricultural Assistants ..	720-21

JYOTI PRASAD, LALA—

Question re—

Assistant Surgeons and District Medical Officers of Health ..	551-52
Communal representation in Vernacular Schools ..	379
Delhi-Montgomery Road ..	560
Dismissal of Kishan Lal, Naib-Sharaf Sadar, Hissar District Inspector of Schools, Gurgaon district, and the teaching of Hindi and Urdu in the primary schools ..	378
Fisheries Department ..	572-73
Fisheries department and Fishing licenses ..	552-53
Fisheries Department and the Inspector of Fisheries ..	405
Fisheries staff ..	383
Girls High School, Hissar ..	381-82
Hindi as medium of instruction in normal schools ..	541
Hindu Students in normal schools ..	379-80
Nomination to services ..	379
Pay of Imperial Services ..	541-44
Persons proceeded against under section 110 of Criminal Procedure Code ..	552
Primary Lower Middle and Upper Middle Vernacular Schools in the Punjab ..	551
Recognition of Sanatan Dharam School, Gujjar Khan ..	380-81
Research Officer, Fisheries Department ..	380
Sirsa Branch of Western Jumna Canal ..	382-83
Sub-Inspector of Police and his staff, City Police Station, Hansi ..	544-49
Thefts and house-breaking in Hissar district ..	554
	550-51

LEKHWATI JAIN, SHRIMATI—

Question re—

Admission of girl students in Amritsar Medical School ..	368-69
Admission of plucked Matriculation candidates into schools ..	370
Advocates and pleaders enrolled in the Lahore High Court ..	469

QUESTIONS AND ANSWERS— CONTINUED.

LEKHWATI JAIN, SHRIMATI—
continued.

Question re—

Age bar for middle school examination ..	410-11
Aggarwals in police service ..	161
Alienations of agricultural land ..	71-72
Application of Punjab Local Option Act to the town of Sadhaura ..	158-60
Appointments made by the Director of Industries ..	411-12
Candidates in the office of the District Judge, Ambala ..	457-58
Carrying of loads by Mahabir-dal Volunteers, Rawalpindi City ..	1186
Cases of suicide ..	150
Charges for inspecting court files ..	414-15
Clerks quarters, Simla ..	12
Copyists ..	635-39
Charges for issuing Urdu and English copies in the Copying Department ..	415-17
Civil prisoners ..	419-20
Committee to overhaul primary education ..	167
Communal representation in Government Normal Schools ..	370
Companies registered with the Registrar, Joint Stock Companies ..	412-13
Decretal debt ..	151
Depressed class members in municipal and district boards ..	167
Enfranchising women in municipalities ..	161-62
Engineering School, Rasool ..	468
English Optional Classes in district board middle schools ..	371
Escheat of land ..	72
Executive Officer, Ludhiana municipality ..	443-44
Estates under the management of Court of Wards ..	414
Facilities in University examinations ..	457
Fee concessions in Government schools ..	166
Fee concessions to sons of teachers ..	369
Hajiyat or professional tax ..	151-52
Head Masters and second masters in Government High Schools ..	160
Hindi and Sanskrit classes in Government High School, Bhakkar ..	163-64
Hindu agriculturist candidates for the P. C. M. S. ..	465-66

QUESTIONS AND ANSWERS— CONTINUED.

LEKHWATI JAIN, SHRIMATI—
continued.

Question re—

Imperial Chemicals and con- cessions in the Punjab ..	466-67
Income from the copying de- partment ..	417
Insolvents ..	161
Journals and newspapers pub- lished in the Punjab ..	161
Khan Sahib Dr. Noor Muham- mad, Municipal Commis- sioner, Ludhiana ..	443
Lahore Conspiracy Case ..	179-81
Literacy among prisoners in Punjab Jails ..	457
Loss of files in Sadhora Muni- cipal Committee ..	372
Ludhiana Municipal Com- mittee ..	1187-88
Magistrates in Ambala City ..	162-63
Males and females hanged ..	467
Male doctors in girls institu- tions ..	160-61
Military and non-Military tribes in the Punjab ..	167
Municipal bye-laws, Simla ..	421
Municipal Committee, Burya Nazal land near Town Hall, Kasur ..	9-10 454
Nomination of a lady to the Sadhora Municipal Com- mittee ..	372-73
Objectionable poem in daily Siyasat ..	455
Passport to Japan for Munshi Ram Jain ..	11
Payments of travelling ex- penses and diet money by Criminal Courts ..	167-68
Principals of Government Col- leges and rent-free resi- dential quarters ..	166
Professional or Haisiyat Tax in Ambala ..	455-56
Proscription of the Naujawan Mazdur, Amritsar ..	374
Public holiday on the birth- day of Lord Mahavira ..	411
Religion of patients in civil dispensaries ..	453
Retrenched canal overseers ..	1187
Separate or joint electorates in the municipalities ..	161
Simla municipal employees ..	420
Special fee concessions in Anglo-Vernacular Schools ..	371
Sub-registrar, Kasur ..	454
Supply of articles to civil prisoners ..	417-19
Syed Sadiq Ali, Shah, Extra Assistant Commissioner ..	443
Treasure trove ..	72-73
Treasury Officer, Ambala ..	163

QUESTIONS AND ANSWERS— CONTINUED.

LEKHWATI JAIN, SHRIMATI—con-
cluded.

Question re—

Vernacular Lower Middle School, Burya ..	10-11
Women in Education Depart- ment ..	179

MALAK, MR. MUHAMMAD DIN—

Question re—

Akrat tax on vegetables in Sialkot Municipality ..	65
Appointments in Irrigation Department ..	716-17
Central Model School, La- hore ..	48-50
Chaudhri Kahan Singh, Punjab Veterinary Service ..	266-67, 269-70, 423.
Coyne, Mr., Superintendent, Irrigation Secretariat ..	181, 425-27
Difficulties of Judges in India ..	111
Director of Industries ..	421-23
Establishment in the office of the Inspector-General of Police, Punjab ..	285-88
Fisheries Research Officer ..	432-33
Government Technical School, Lahore ..	52-60
Head Master, Central Model School, Lahore ..	48, 51-52, 423-24.
Indebtedness of Sardar Kharak Singh, Divisional Agricultural Officer ..	129-30
Inspector, Finger Print Bu- reau, Phillaur ..	289
Interference in the adminis- tration of justice ..	112
Lahore Municipal Committee ..	129
Munshi, Upper Chenab Cir- cle ..	718
Muslim Head Master for Central Model School, La- hore ..	48
Muslims in the office of Prin- cipal, Veterinary College ..	266
Muslim students in Central Model School, Lahore ..	48
Post of the Director of In- dustries ..	64
Private tuitions ..	46-47
Punjab Veterinary Service, Class I ..	268-69
Qualifications of the Direc- tor of Industries ..	60-64
Ram Gopal, teacher, Gov- ernment Technical School, Lahore ..	60
Sardar Kharak Singh, Divi- sional Agricultural Officer ..	425
Simla exodus of Chief Engi- neers' office ..	66

QUESTIONS AND ANSWERS— CONTINUED.

MALAK, MR. MUHAMMAD DIN—
concluded.

Question re—

Teachers of Central Model
School, Lahore .. 112-13
424-25,
427-28.

Technical departments and
non-technical officers .. 266-68,
270-71

Tours of the Director of In-
dustries .. 64-65

Transfers of officers and sub-
ordinates of the Educa-
tion Department .. 427

Unauthorised private tuitions
by teachers of Central Mo-
del School, Lahore .. 47

MAMRAJ SINGH, CHOHAN, KAN-
WAR—

Question re—

B. Class prisoners .. 699-700

Hindus in Palwal Muni-
cipality .. 5

Karnal Municipality .. 449

Municipal Committee, Pani-
pat .. 528-35

Summer vacation in schools
in Ambala division .. 5

Syphilis and gonorrhoea .. 1222-23

Tahsildar candidates from
Hindu Rajputs of Ambala
division .. 1223-24

Tahsildars and naib-tahsildars
belonging to Simla district .. 1223

MAYADAS, MR. E.—

Question re—

Accounts of district boards .. 318

Agriculturists adjudged insol-
vent .. 604

Alienation of agricultural land .. 598-99

Ambulance cart .. 598

Appointment of Indian Chris-
tians as house surgeons or
physicians in the Mayo
Hospital, Lahore .. 1189-90

Articles manufactured in Cri-
minal Tribes Settlement .. 605-06

Audit of accounts of certain
colleges .. 308

Boarding houses in schools
and colleges .. 600

Boarding houses of aided pri-
vate colleges .. 315

Books on intoxication, suit-
able for use in schools .. 311

Boys of Dogar community
in Ferozepore district .. 314

Budgets of local bodies .. 310

Buildings for preserving land
records .. 312

Canal Colony of the irri-
gation Department at Feroze-
pore .. 305-06

Charges for lifting water from
wells with hydro-electric
current .. 306

QUESTIONS AND ANSWERS— CONTINUED—

MAYADAS, MR. E.—continued.

Question re—

Civil Assistant Surgeons and
Indian Christians .. 294

Clerical and other establish-
ments, Irrigation Branch .. 296-97

Clerks in the High Court and
Indian Christians .. 298

Clerks in the offices of de-
puty commissioners .. 745

Compulsory education in Fe-
rozepore district .. 313

Co-operative loans to agricul-
turalists .. 604

Copyists .. 743-44,
745-47.

Counterfeit coins .. 602

Deaths from snake bite .. 601

Deaths of police officers,
while discharging duty .. 603

Dogars in Ferozepore dis-
trict .. 313-14

Expenditure on education of
girls .. 315

Expenditure on girls' scho-
larships by district boards .. 316

Forest Department subordi-
nates and clerical service
and Indian Christians .. 297

Forman Christian College,
Lahore .. 307

Grades of examiners of
copying branches in offices
of Deputy Commissioners .. 305

Grant from the Road Com-
mittee .. 307

Head warders, warders and
matrons in the Jail De-
partment and Indian Chris-
tians .. 296

Increase in the population
of Moga and Abohar .. 305

Indian Christians .. 742

Indian Christians as head
constables of police .. 295

Indian Christians as clerks in
subordinate courts .. 298

Indian Christians as police
constables .. 295

Indian Christians as sub-in-
spectors of police .. 295

Indian Christians constitu-
encies for Legislative Council .. 1022-23

Indian Christians in the
Punjab Civil Medical Ser-
vice .. 293-94

Indian Christian members of
district boards .. 313

Indian Christian members of
municipal committees .. 313

Indian Christians tahsildars
naib-tahsildars, etc. .. 297

Irrigation in the neighbour-
hood of the Canal Colony
at Ferozepore .. 306

PAGES.

PAGES.

QUESTIONS AND ANSWERS
CONTINUED.

MAYADAS, MR. E.—continued.

Question re—

Jains ..	742
Lahore Electric Supply Com- pany ..	305
Lahore-Ferozepore road ..	311-12
Land plans ..	599
Lay-out plans in Lahore ..	597
Legislative Council election ..	603
Lorries for hire ..	605
Low places in Lahore ..	595-98
Medals to police officers ..	602
Medical Selection Board ..	290-91
Middle and high schools for girls in the province ..	315
Molasses on roads ..	601
Mosquitoes in Lahore ..	595, 596-97
Motor vehicle stand, Kalka Municipalities and their ob- ligations ..	599-600 308
Overdraft from the Central Co-operative Bank, Feroze- pore ..	600
Pathan money lenders ..	604
Patwaris and Indian Chris- tians ..	296
Persons selling tobacco in Lahore ..	598
Physical instruction in girls' schools and colleges ..	315-16
Physical instruction of in- structresses ..	316
Play-ground for girls at the Girls' High School, Moga ..	315-17
Play-grounds in high schools for girls ..	316
Polli and La ..	318
Primary schools for girls, Ferozepore ..	314
Profession tax officer, Jhelum ..	313
Provident Fund Scheme for patwaris ..	312
Punjab Engineering Service and Indian Christians ..	295
Punjab Health School, Lahore ..	317
Qualifications for naib-tah- sildars ..	609
Qualifications for tahsildars ..	608
Qualification for zilladars ..	608
Quinine ..	595
Realisation of dues by local bodies ..	603-04
Recruitment in Irrigation De- partment ..	607-08
Recruitment in Police De- partment ..	607
Recruitment of civil assis- tant surgeons ..	607
Recruitment of naib-tahsil- dars ..	608-09
Recruitment of kanungos ..	609
Recruitment of tahsildars ..	608
Scholarships ..	741

QUESTIONS AND ANSWERS—
CONTINUED.

MAYADAS, MR. E.—concluded.

Question re—

Scholarships for the educa- tion of Dogar community in Ferozepore ..	314
Students visiting cinemas ..	601
Subordinate Engineering Ser- vice and Indian Christians ..	295-96
Tat ..	605
Tax on private motorcars ..	308
Tax on tobacco ..	597-98
Temperance propaganda ..	310
Toy-making in Government Technical School, Lahore ..	606-07
Vehicle stands and a charge of one anna ..	309
Vehicle stands at the villages Kana Kachha and Lulliani ..	311
Withdrawal from the Central Co-operative Bank, Feroze- pore ..	609
Women Christian Temper- ance Union, Delhi ..	600
Zilladars and Indian Christi- ans ..	296

MAZHAR ALI, AZHAR, MAULVI—

Question re—

Bye-laws framed by Muni- cipal Committee of Jagraon ..	164-65
Criminal Tribe Agricultural Settlement, Birthbari ..	172
Deputy Commissioner, Crimi- nal Tribes, Punjab's move to Simla ..	170-71
District Board Engineer, Lyallpur ..	12-13
Embracing of Islam by mem- bers of criminal tribes ..	179-70
Grant to the District Board, Ferozepore ..	137-38
Licensing of premises in Sial- kot municipality ..	166
Nawal land in village Bhabra, tahsil Lahore ..	140-46
Nominations to Narowal Mu- nicipal Committee ..	168-69
Professional tax in the dis- trict of Ferozepore ..	139-40
Recovery of professional tax in the Ferozepore district ..	137
Representation of Muslims in Campbellpore Municipal Committee ..	168
Secretary, District Board, Ferozepore ..	136-39
Shops leased by the Municipal Committee, Sialkot ..	165
Superintendent, Dispensary, Mayo Hospital, Lahore ..	36
Supervising staff in Criminal Tribes Department ..	173
Travelling allowance for at- tending meeting of the Punjab Reclamation Lea- gue ..	171

QUESTIONS AND ANSWERS— CONTINUED.

MUHAMMAD ABDUL RAHMAN
KHAN, CHAUDHRI—

Question re—

Acreage of agricultural land, land revenue and <i>abiana</i> ..	578-79
Agriculturists, landed pro- prietary and money-lenders ..	574
Alienation of agricultural land in Pind Dadan Khan tahsil ..	656-57
Appointments in the civil courts ..	432
Appointments in the Lahore High Court ..	431
Banking companies ..	1145-46
Boiler inspectors ..	8
Chief Justice as a member of the Syndicate of Punjab University ..	554
Communal representation in Amritsar District Board ..	655
Communal representation in Jullundur District Board ..	653-54
Concessions in Government dues ..	653
Contraventions of the Aliena- tion of Land Act in the Gujrat District ..	578
Co-operative Credit Societies ..	573
Court attachments in Gujrat district ..	1151-52
Court Commissions ..	1151
Cut motion regarding land revenue demand ..	239
Directors of Banking Com- panies ..	1146
Directors of electric supply companies ..	1147
Directors of film companies ..	1148
Directors of insurance com- panies ..	1146
Directors of sugar manufac- turing companies ..	1146
District Board Engineer, Jullundur ..	651-52
District Board High School, Nakodar ..	652-53
Editorial staff of the Indian Law Reports ..	430
Electricity Branch ..	640-41
Electricity Department ..	645-47
Electric supply companies ..	1147
Establishment in the offices of Inspector-General of Civil Hospitals, Punjab, and the Civil Surgeons in the Punjab ..	1150
Examiners for law examina- tions ..	428-29
Film companies ..	1148-49
Gross and net incomes from agriculture and land reve- nue and <i>abiana</i> ..	573-74
Head Works Engineer, Elec- tricity Branch ..	642, 647
Injustice to Muslims ..	641
Insolvents ..	1150

QUESTIONS AND ANSWERS— CONTINUED.

MUHAMMAD ABDUL RAHMAN
KHAN, CHAUDHRI—concluded.

Question re—

Insurance companies ..	1146,
	1146-47
Judicial Branch of the Punjab Civil Service ..	429
Land Revenue ..	654-55
Lawyers ..	429-30
Local Manager, Electricity Branch ..	643-44
Mandi Hydro-Electric scheme ..	650-51
Mumtaz Bank, Limited ..	1153
Muslims in Electricity Branch ..	642-43
Muslim grievances ..	643
Notaries public ..	1149
Price of electricity ..	653
Printing work of Lahore High Court ..	1144-45
Public prosecutors ..	1149
Punjab Tobacco Vend Fees Act ..	654
Representation of Faculty of Law in the Punjab Univer- sity ..	1152
Riots in connection with the <i>tazia</i> procession ..	239-40
Salaries of employees of Dis- trict Board, Jullundur ..	655-56
Sale of agricultural land in Gujrat ..	574
Sale of agricultural land in village Kandhanwala, Guj- rat district ..	574-75
Sale of court-fee and other stamps ..	578
Shift Engineers ..	644-45
Sugar manufacturing com- panies ..	1147-48
Superintending Engineer, Electrical Department ..	8
Sutlej Valley Project ..	647-51
University Law College, Lahore ..	428
Usufructuary mortgage of land in Gujrat district ..	1151
Water-logging in Gujrat dis- trict ..	576-78
Wheat crop ..	239
Wheat crop in <i>ilaga</i> Beit ..	232
Working capital of co-opera- tive village banks ..	573
MUHAMMAD EUSOOF, KHAWAJA—	
Question re—	
Agha Sher Afghan Khan and the Circle Registrar of Co- operative Societies, Ambala ..	583-84
Central Co-operative Bank ..	590-91
Charges for provisional certi- ficates of LL.B. class stu- dents ..	73
Circle Registrar, Co-opera- tive Societies, Ambala ..	584-89

QUESTIONS AND ANSWERS— CONTINUED.

MUHAMMAD EUSOOF, KHAWAJA—
concluded.

Question re—

Communal inequality in the Education Department ..	239-90
Communal representation in the Directorate of Central Co-operative Bank, Ludhiana ..	591
Consolidation of holdings in Ludhiana and Ambala ..	592
Co-operative Credit Societies in Ambala and Ludhiana ..	591
Co-operative Society, Sherpur Kalan ..	592-94
Educational service ..	731
Fee concessions to sons of teachers ..	252
Government Intermediate College, Hoshiarpur ..	254-55
Habnisi shops in schools ..	251-52
Hosiery Institute, Ludhiana ..	734-35
Inspector, Co-operative Societies, Ludhiana ..	589-90
Inspector of Co-operative Societies, Jagraon ..	589
Mr. Ghanisham Das, B.A., B.T., Lecturer, Training College, Lahore ..	253-54
Mr. Sita Ram, Gupta, of the Education Department ..	251
Municipal Executive Officers ..	733-34
Muslim deputation of Ludhiana on the Registrar, Co-operative Societies ..	590
Muslims in Education Department ..	733
Muslims in Punjab Educational Service ..	732-33
Muslim teachers of English ..	253
Nahar Singh, inspector of co-operative societies ..	592
Permission to write books ..	290
Principals of Government Colleges ..	265
Principal of Government Intermediate College, Paarur ..	255
Professors in Government College, Lahore ..	732
Promotions in Education Department ..	728-29
Publications of Text-Book Committee ..	290
Punjab Educational Service ..	250-51
Teachers of Mathematics in Government Colleges ..	252

MUHAMMAD HAYAT QURESHI,
KHAN BAHADUR NAWAB—

Question re Gondal tribe .. 1019

MUHAMMAD SADIQ, SHAIKH—

Question re Imperial Chemical Industries .. 859

QUESTIONS AND ANSWERS— CONTINUED.

MUHAMMAD SARFARAZ ALI KHAN,
RAJA—

Question re—

Admission in deMontmorency College, Shahpur ..	858
Vernacular Mistresses employed as invigilators ..	291
MUKERJEE, RAI BAHADUR, MR. P.—	
Question re—	
Air service between Calcutta and Bombay ..	477
Motor bus service from Simla to Mashobra ..	241-42
MUZAFFAR KHAN, KHAN BAHADUR CAPTAIN, MALIK—	
Question re holidays to prisoners ..	9

NARENDRA NATH, DIWAN BAHADUR
RAJA—

Question re—

Agriculturists in public services ..	299-301
Brahmins ..	302
Lothian Committee Report ..	1188
Re-appointment of retrenched clerks in Irrigation Department ..	594
Recognition Rules ..	582
Rajputs in public services ..	301
Revenue and local rates suspended in Gurgaon district ..	301-02
Transfer of employees in the Sutlej Valley Project ..	594

NATHWA SINGH, CHAUDHRI—
Question re deluviation of land by Jumna river in Karnal district .. 1217

NOOR AHMAD KHAN, KHAN SAHIB
MIAN—

Question re—

Cotton on the Dipalpur Indundation and Sutlej Valley Project Canals ..	1226-27
Land revenue arrears in Pakpattan and Dipalpur tahsils ..	562-63
Non-perennial channels of Dipalpur and Pakpattan tahsils and relief in water rates ..	560-61
Sale mortgage, &c., of agricultural holdings in Pakpattan and Dipalpur tahsils and arrears of land revenue ..	561-62

NURULLAH, MIAN—

Question re—

Area under khud kashi in Lyallpur district ..	565
Auction of land in Chak No. 76, Gugera Branch ..	123
Average holding in Lyallpur ..	121
Batai ..	120-21
Cotton in Lyallpur ..	567-58
Exchange of proprietary land for crown waste land ..	563-64

QUESTIONS AND ANSWERS—

CONTINUED.

NURULLAH, MIAN—concluded.

Question re—

Issue of coercive processes for recovery of land revenue arrears in Lyallpur district

564-65

Kharaba ..

111

Method of calculating net income in farm accounts ..

566

Notification of Muhyal Brahmins of Lyallpur district as agriculturists ..

563

Pay and allowances of sildars, naib-tahsildars and overseers ..

115-17

Pay of sub-assistant surgeons ..

118

Pay of sub-inspectors of police ..

118-19

Price and rent of agricultural land ..

121-22

Remissions ..

107

Remission in Derajat Canal Circle ..

110-11

Rule 25 of the Canal Act ..

114

School recognition rules ..

484-85

Seduction of boys by teachers ..

373

Supply of water on contract system ..

114-15

Taqavi for sinking tube-wells in Jullundur district ..

525-27

Tarmin measurement in Lyallpur ..

658-59

Tarmins ..

108-10

Unauthorised irrigation ..

66-67

Water channels for irrigation ..

119-20

563

Waterlogging near Jaranwala town ..

110

Water-rate for crops ..

114

PANCHAM CHAND, THAKUR—

Question re—

Candidates for the post of sub-inspector of fisheries ..

248

Compensation to Mussammat Gita Devi, paid by Hydro-

Electric Department ..

249

Dam across Dehri stream at Kotla ..

540

Deputy Sub-Inspectors of Fisheries Department ..

304

Fisheries Department ..

538-39

Licenses on Pathankot-Dharamsala and Baijnath roads and Kangra Motor Union ..

250

Loss of pistol belonging to Dr. Kidar Nath, Simla ..

713-14

M. Karam Bakhsh, Deputy Sub-Inspector of Fisheries ..

537

Motor service in Kangra district ..

535

Naib-tahsildar candidates in Jullundur district ..

539

Officiating Deputy Sub-Inspector of Fisheries, Kangra ..

537-38

Pandit Gian Chand, Inspector, Industrial Co-operative Societies, Ambala ..

1019-21

QUESTIONS AND ANSWERS—

CONTINUED.

PANCHAM CHAND, THAKUR—concluded.

Question re—

Revenue of the Fisheries Department ..

540

Revision of record-of-rights of Sangnai Estate ..

1227

S. Balwant Singh, Deputy Sub-Inspector of Fisheries, Kangra ..

580-81

Sub-Inspectors of Fisheries ..

536-37

Sub-Inspector Fisheries candidate ..

735

PANDIT, MR. NANAK CHAND—

Question re non-official visitors of jails ..

1141-43

PRINTING AND SUPPLY OF COPIES OF — TO MEMBERS BEFORE QUESTION HOUR ..

649-50

PURI, MR. MUKAND LAI—

Question re—

Communal representation in Karnal Municipal Committee ..

581

First offenders ..

1140-41

Revolver licence to Lala Arjan Deva ..

857

RAM SARUP, CHAUDHRI—

Question re—

A man killed while giving chase to dacoits in Rohtak district ..

275

Alienation of land to non-agriculturists ..

1218

Deputy Superintendent of Police ..

274-75

Girls in the Girls' High School, Rohtak ..

274

Girls in Girls' Normal School, Rohtak ..

272-73

Girls in the Normal School, Rohtak ..

274

Girls reading in the 5th class in the Rohtak district ..

273-74

Girls' schools in the Rohtak district ..

273

Hindu Jat as Inspector of Police ..

274

Suspension or dismissals of zaildars, sufedposhes and lambardars ..

275

Woman of village Pakasma in Rohtak district killed by dacoits ..

272

RAMJI DAS, LALA—

Question re Nais ..

735

RIASAT ALI, CHAUDHRI—

Question re—

Assistant Surgeons ..

240-41

Complaint against Khan Sahib Dr. Noor Muhammad, of Ludhiana Municipal Committee ..

706-06

Complaints against police officers ..

706

QUESTIONS AND ANSWERS—
CONTINUED.RIASAT ALL, CHAUDHRI—
concluded.

Question re—

Jirga system in the Mianwali
district .. 738-39Municipal Committee, Ludh-
iana .. 1225-26Post held by Hindus in Mian-
wali district .. 739Zilladar, Section Argan, Guj-
ranwala division .. 705-06

ROBERTS, MR. W.—

Question re—

Closure of the Bari Doab
Canal .. 739-40

Cotton prices .. 742-43

Wireless sets .. 743

SAMPURAN SINGH, SARDAR—

Question re—

Inspector of Fisheries .. 367,
406-07Sikh ladies in Punjab Educa-
tional Service .. 9SEWAK RAM, RAI BAHADUR,
LALA—

Question re—

Abdul Rashid of Ludhiana
College .. 176Accounts of the District
Board, Jhang .. 474Anglo-Vernacular Section of
Subordinate Educational
Service .. 73-74Anglo-Vernacular teachers in
Government schools .. 481Appointments in Government
colleges .. 77-8Aan in Government build-
ings of the Education De-
partment .. 231B.T. Class, Lady MacLagan
School .. 483Books of Khan Bahadur
Sheikh Nur Elahi .. 640Cancellation of teaching certi-
ficates .. 74

Central Training College .. 703-04

Chaudhri Jhandu Mal, Dis-
trict Inspector of Schools .. 177Classical and vernacular sec-
tion of Subordinate Educa-
tional Service .. 74-5Communal representation in
Education Department .. 464-65Communal representation,
Lower Jhelum Circle .. 856Communal tendencies of Mr.
Hakim, Principal, Gujrat
College .. 181Dar-ul-Ishaat and canvasser
of books .. 639-40DeMontmorency College,
Shahpur Sadar .. 75

Denominational Schools .. 481

District Engineer, Jhang .. 478-74

QUESTIONS AND ANSWERS—
CONTINUED.SEWAK RAM, RAI BAHADUR,
LALA—*concluded.*

Question re—

Divisional Auditor, Rawal-
pindi .. 78-9,
704-05Education Department .. 174-75,
478-80.

Electric supply companies .. 482

Government arts colleges .. 736-37

Government College, Gujrat .. 182

Government College, Lahore .. 232

Government high schools, .. 75-6

Ambala division .. 857

Grievances of the Subordi-
nate Educational Service .. 860-62Head Clerk, District Board,
Jhang .. 475-76Headmaster, Government
High School, Ferozepore .. 176-77Headmaster, Patto Hira
Singh High School .. 175-76Hindu assistant district ins-
pectors of schools .. 173Hindu Assistant District Ins-
pector, Dera Ghazi Khan .. 856Hindu Professors of Persian
and Urdu in Government
Colleges .. 464Hindu waterman for the Guj-
rat College .. 231-32Inspector of training institu-
tions .. 481-82

Intermediate College, Gujrat .. 76-77

Khan Bahadur Shaikh Nur
Elahi, Assistant Director of
Public Instruction .. 179Lala Amir Chand, District
Inspector .. 177

Lyallpur District Board .. 463-64

Malikana rates in the Pir
Mahal Extension .. 484M. Muhammad Hussain,
Hakim, Principal, Gujrat
College .. 233Mr. U. Karamat, Lecturer,
Islamia College, Lahore .. 178Mr. Siraj-ud-Din, Govern-
ment College, Lahore .. 178Persons dismissed or discharg-
ed in Education Depart-
ment .. 74Professors of Persian and
Urdu in Government Col-
leges .. 480Promotions in Education De-
partment .. 485-86Retrenchment in District
Board, Jhang .. 471-73Retrenchment in Education
Department .. 482-83Remission of *taqavi* in the
Hissar district .. 483-84,
487

PAGES.	PAGES.
QUESTIONS AND ANSWERS—	RAM SARUP, CHAUDHRI—
CONCLUDED.	Bill, Relief of Indebtedness, the Punjab,
SEWAK RAM, RAI BAHADUR, LALA—concluded.	Passing of 1210-11,
Question re—	Franchise Committee's Report 1320
Secretary, District Board, Jhang	RATE(S)—
Servants' Fee Fund, Gujrat 474-75	Question re — for lorries 1185-86
College Hostel 181	(See Occupiers' Rate).
Taxation Officer, District Board, Jhang 475	RE-APPOINTMENT—
Temporary staff of 3rd Bahawalpur Circle 476-77	Question re — of retrenched clerks in Irrigation Department 594
Unauthorised occupation of bungalow of Principal, Gujrat College 182	RECLAMATION LEAGUE—
Vacancies amongst stenographers 77	Question re travelling allowance for attending meeting of the Punjab — 171
UJJAL SINGH, SARDAR SAHIB, SARDAR—	RECOGNITION—
Question re—	Question re — of Sanatan Dharam School, Gujrat Khan 380
Admission of Sikh boys in the Bishop Cotton School 701	RECOGNITION RULES—
Admission to the Bishop Cotton and other European School in Simla 701	Question re — 484-85, 582
Election to Municipal Committee, Sargodha 275-76	RECORDS—
Engineering Subordinates in the Irrigation Branch 291-93	Question re buildings for preserving land 312
Imperial Chemical Industries (India), Limited 700-01	RECORD OF RIGHTS—
Sikhs in deputy commissioners' offices, Jullundur division 70	Question re revision of — of Sanghai Estate 1227
Sikh officials in Jagraon 70	RECRUITMENT—
Sikh patwaris and kanungos in Ludhiana district 68-9	Question re—
Travelling allowances of engineering subordinates in the Irrigation Branch 293	Direct — in Punjab Civil Sec. retariat 696-97
ZAFRULLAH KHAN, CHAUDHRI—	Of Civil Assistant Surgeons 607
Question re—	In Police Department 607
Special Public Prosecutor, Sialkot 20	Of police constables from Rohtak district 567-68
QUINNE—	Of naib-tahsildars 608-09
Question re — 595	Of kanungos 609
QUTAB ICE FACTORY—	Of tahsildars 608
Question re Lahore — 233, 985	REDUCTION—
R.	Question re—
RABI—	Of land revenue 1309
Question re produce of — in Hoshiarpur and Ludhiana districts 234	Of a Muslim Overseer, Electricity Branch 625
RAILWAY FREIGHT—	Of water rates 258-59
Question re — on cotton and wheat 124	REFORMS—
RAILWAY PLATFORM—	Question re—
Question re loss of a golden ornament on the — Lahore 233	Criminal Investigation Department under the new — 559
RAJPUTS—	Powers to deal with terrorists under the next Reforms 1309-10
Question re — in Public Services 301	REGULATION OF ACCOUNTS ACT—
RAM GOPAL—	Question re — 695
Question re—	RELIEF—
A lambardar of Naraingarh 271-72	Question re—
Teacher, Government Technical School, Lahore 60	Flood — to villagers of Atari in Garhsankar tahsil 522
	Non-perennial channels of Dipalpur and Pakpattan tahsils and relief in water rates 560-61
	RELIGION—
	Question re—
	Change of — in entries by Government Servants 406
	Of patients in civil dispensaries 453

	PAGES.		PAGES.
REMISSION(s)—		REINFORCEMENT—conold.	
Question re — ..	45-6, 107-08	Question re—	
Question re — ..		Statement re — of one chief engineer ..	183-84
Question re —		REVENUE—	
In Derajat Canal Circle ..	110-11	Question re—	
In Hoshiarpur district ..	711	And local rates suspended in Gurgaon district ..	301-02
Of fees for teachers' sons ..	377-78	Of the Fisheries Department ..	540, 1220-21
Of tagari in Hissar district ..	483-84, 487		
REMOVAL—		REVENUE MEMBER—	
Question re — from service, Electricity Branch ..	628-29	Adjournment motion re appointment of — motion for leave not moved ..	183
REMOVAL OF BAN—		Question re Appointment of — ..	276-77
Question re suspension of civil disobedience and—on candidates for Assembly ..	123	REVISION—	
RENT—		Question re — of scale of pay ..	27
Question re price and — of agricultural land ..	121-22	REVISION PETITIONS—	
REPORT(s)—		Question re appeals and — from the orders of magistrates, 1st class ..	703
Franchise Committee—		REVOLVER—	
Allotment of time for discussion of — ..	1183, 1191	Question re — licence to Lala Arjan Deva ..	857
Discussion of — ..	1311-62	RIASAT ALI, CHAUDHRI—	
Joint Parliamentary Committee's—		Bill, Relief of Indebtedness, the Punjab—	
Allotment of time for discussion of — ..	1183, 1190	Co-operative banks and societies, exemption of, from jurisdiction of conciliation boards ..	953-55
Discussion of — ..	1228-1307	Damdapat ..	1166-67
Public Accounts Committee's — on Appropriation Accounts ..	404	Debtor, definition of, ..	979-81, 1155-57
Question re—		Decree for debts incurred after agreement or in respect of which certificate has been granted, execution of ..	1059
Frontier Crime Regulations Committee — ..	153	Fair offer, definition of, ..	1053
Lothian Committee — ..	1188	Interest, excessive rate of, definition ..	890-93
Opinion on Joint Parliamentary Committee — ..	1310-11	Motion for re-circulation ..	673-77
REPRESENTATION(s)—		Proceedings, duration of, before conciliation boards and lapse of, applications ..	1087-88
Question re —		Reference to select committee ..	188-93
Of Balmiki and Ad Dharam community in services ..	67-8	Joint Parliamentary Committee's Report ..	1297-1301
Of Muslims in Campbellpur Municipal Committee ..	168	RIOTS—	
RESEARCH OFFICER—		Question re — in connection with the tazia procession ..	239-40
Question re —		ROAD(s)—	
Fisheries Department ..	382-83, 433, 558-59	Question re—	
RESIDENTIAL QUARTERS—		Delhi-Montgomery — ..	550
Question re Principals of Government colleges and rent free— ..	166	Lahore-Ferozepore — ..	311-12
RESOLUTIONS—		Mollases on — ..	601
Action taken by Government on, of Council, statement showing—	610	In Haza Beit, Ludhiana ..	461
Re concessions to auction purchasers of land in Shahdara tahsil ..	488-96	ROAD COMMITTEE—	
Re propaganda against use of alcohol and other intoxicants ..	496-502	Question re Grant from the — ..	307
Re punitive police ..	502-20	ROBERTS, PROFESSOR, W.—	
RETIREMENT—		Bill, Relief of Indebtedness, the Punjab—	
Question re —, of canal patwaris ..	716	Interest, excessive rate of, definition ..	882-83, 1365
RETRINCHMENT—		Franchise Committee's Report ..	1356-57
Question re—		Joint Parliamentary Committee's Report ..	1295-96
In District Board, Jhang ..	471-73	Oath of office ..	365
In Education Department ..	482-83		

PAGES.	PAGES.
RULES—	RULING(S)—continued—
Question re recognition — .. 582	Bill—concluded.
Under the Wild Birds and Wild Animals Protection Act, criticism of, .. 385-86, 392-94	Drafting Committee's report should state in proper form the formal and consequential amendments to be made in the, .. 1191
RULING(S)—	Motion for circulation of, for eliciting opinion after opinions have been elicited once, out of order .. 83
Amendment(s)—	Motion for deletion or addition of a clause in a, is an amendment to the — itself and not to the clause .. 886, 945
If one, becomes unnecessary in consequence of a previous amendment, Chair not to put the subsequent amendment .. 986	Reply final, Government Member's right to, after closure in the case of amendments to, .. 939
May be moved at any moment after the main motion has been proposed and before it is put .. 1298	Consideration, amendments to clauses will come first and then those to the —; a motion for deletion or addition of a clause being an amendment to the — cannot be moved after the clause to which it relates is voted to stand part of the — .. 945
Member speaking on a motion should move his, without being specially called upon by the Chair to do so .. 1298	Motion for consideration of, substantially altered by select committee allowed to be proceeded with with the consent of the Council .. 668-71
To an earlier part of a clause cannot be moved after an, to the latter part is passed .. 988	Select committee can make amendments relevant to the subject matter of the —; if such amendments are not within the title of the —, the committee may amend the title .. 362-63
Bill—	Select committee, proceedings of, can be referred to in debate after presentation of its report .. 823
Amendments, desirability of allowing at short notice, consulting the Council re, .. 1159-60	Debate—
Amendment for deletion of part of a Bill not permissible when amendments are tabled to several clauses contained in that part .. 947-48	If an amendment aims at taking the place of original motion in its entirety, then both are simultaneously under consideration; otherwise only the amendment is under consideration and not the original motion .. 1113
Amendment for deletion of a clause may be formally moved, but it will be an amendment to the — .. 866, 945	Matters once decided by the Council not allowed to be re-opened in the same session .. 1106
Amendment to an earlier part of a — if made, amendment inconsistent with the earlier one cannot be made at a later stage .. 1106	Members cannot address the Council in any vernacular without the permission of the Chair .. 1072
Amendments to, recommended to Council by Governor, can be modified or amended by Council .. 1364	New points not to be raised during reply .. 227
Amendments to a clause must first be disposed of before putting the clause as a whole to vote .. 1177	To call a legislation not under consideration of Council 'iniquitous' is unparliamentary .. 97
Amendments, scope and limitations of, to — or clauses recommended by Governor .. 1373	
Amendments tendered in a spirit of mockery, out of order .. 1181	
Deletion of words from a clause cannot be moved after decision that the clause stand part of the, .. 944	
Desirability of taking up for consideration original clauses of, with correlative new clauses and verbal amendments together .. 865	

	PAGES.		PAGES.
RULING(s)—concluded—		SANSKRIT—	
Motion—		Question re Hindi and — classes	
Not proposed from the Chair		in Government High School,	
needs no withdrawal ..	1084	Bhakkar ..	163-64 ✓
Point of order—		SARDA ACT—	
Not to be raised by a member		Question re Prosecution of Mu-	
not sitting in his seat ..	848	hammadans under the — ..	459
Reply—		SATINDRA NATH SEN, BABU—	
Government Member's right of		Question re confinement of —, a	
final, after closure in the case		Bengal detenu, in Campbellpur	
of amendments to Bills ..	939	jail ..	1154
New points not to be raised		SCHOLARSHIPS—	
during. ..	227	Question re expenditure on girls	
RURAL RECONSTRUCTION—		— by district board ..	316
Question re — Department ..	719	Question re — ..	741
Department of, criticism of, ..	387-401	Question re—	
S.		For education of Dogar com-	
SADIQ ALI SHAH, SAYAD—		munity in Ferozepore ..	314
Question re —, Extra Assistant		For Indian Christians ..	742
Commissioner ..	443	SCHOOL(s)—	
SALARY(IES)—		Question re—	
Question re—		Admission of Sikh boys in the	
Municipal Committee, Kasur		Bishop Cotton — ..	701
and — of the Primary School		Admission to Bishop Cotton	
Teachers ..	263	and other European — in	
Of employees of District Board,		Simla ..	701
Jullundur ..	655-56	Anglo-vernacular teachers in	
SALARY BILL—		Government — ..	481
Question re — of public ser-		Boarding houses in — and	
vants ..	20-21	colleges ..	600
SALE—		Books on intoxication, suitable	
Question re—		for use in — ..	311
Of agricultural land in Gujrat 14—	19,574	B. T. class in Lady MacLagan —	
Of agricultural land in village		Chaudhri Jhandu Mal, District	
Kandhanwala, Gujrat Dis-		Inspector of — ..	177
trict ..	574-75	Denominational — ..	481
Of ancestral agricultural land		District Board High —, Nako-	
in Kotli Akhwanan ..	407	dar ..	652-53
Of court fee and other stamps		District Inspector of Schools,	
Of Government lands in Lower		Gurgaon district and teaching	
Bari Colony ..	13-14	of Hindi and Urdu in the	
SALLY, MR.—		primary — ..	572-73
Question re — Sub-divisional		Engineering — Raul ..	468
Officer, Subraon Branch ..	857-58	Feeconcession in Government—	
SAMPURAN SINGH, SARDAR—		Girls' —, Ferozepore Municipal	
Bill, Relief of Indebtedness, the		Committee ..	470
Punjab—		Girls' high —, Hissar ..	541
Application of, to loans ad-		Government High —, Ambala	
vanced for trade and industry		division ..	857
Fair offer, definition of, ..	1054	Government Poultry — ..	462
Joint Parliamentary Committee's		Government Technical —,	
Report ..	1245-48	Lahore ..	52-60
Oath of office ..	1105	Grants-in-aid to — ..	45
SANATAN DHARAM SCHOOL—		Halkati shops in — ..	251-52
Question re Recognition of —,		Headmaster, Central Model —,	
Gujar Khan ..	380	Lahore ..	423-24
SANDERSON, MR. R.—		Headmaster, Government High	
Oath of office ..	1217	—, Ferozepore ..	176-77
SANGHAI ESTATE—		Headmaster, Patto Hira Singh	
Question re revision of Record of		High — ..	175-76
Rights of — ..	1227	Headmasters and second masters	
SANITARY INSPECTOR—		in Government High — ..	160
Question re — of Ferozepore		Hindi and Sanskrit classes in	
Municipality ..	470-71	Government High —, Bhak-	
		kar ..	163-64
		Hindu assistant district inspec-	
		tors of — ..	173

	PAGES.		PAGES.
SCHOOL(s)—concluded—		SEWAK RAM, RAI BAHADUR, LALA—	
Question re—concl.—		Bill, Relief of Indebtedness, the	
Medical —, Amritsar ..	555-56,	Punjab—	
	620-21	Legal Practitioners, appear-	
Primary, Lower Middle and		ance of, before concilia-	
Upper Middle Vernacular —		tion boards ..	1033
in the Punjab ..	380-81		
In Mandi Baha-ud-Din ..	440	SEWARAM SINGH—	
Recognition rules ..	484-85	Question re officials punished by	
Under District Board, Dera		S. — ..	299
Ghazi Khan ..	523		
Under Taunsa Municipal Com-		SEAH MUHAMMAD, CHAUDHRI—	
mittee ..	523	Adjournment motion re occupiers'	
Second Mistress at the Phalia		rate on fodder ..	222-23
Zenana — ..	523-24	Reference to late — ..	383-84
Seduction in — ..	7		
Summer vacation in the —		SHAMSHER BAHADUR—	
Ambala division ..	5	Question re supercession by —,	
Teachers of Central Model —,		Agricultural Department ..	714
Lahore ..	424-25,		
	427-28	SHAYE, DR. (MRS.) M. C.—	
Toy-making in Government		Franchise Committee's Report ..	1314-18
Technical —, Lahore ..	606-07	Joint Parliamentary Committee's	
Vernacular Lower Middle —,		Report ..	1278-79
Barya ..	10-11		
SCHOOL BOYS—		SHER JUNG, CHAUDHRI—	
Question re — Molestation of —		Question re —, Prisoner, Multan	
by goondas ..	246	Central Jail ..	284, 620
SHALING FLIERS—		SHIFT ENGINEERS—	
Question re loss of — in Lyallpur	623	Question re — ..	644-45
SECOND MASTERS—		SHOPS—	
Question re headmasters and —		Question re—	
in Government High Schools ..	160	Halwai — in Schools ..	251-52
SECRETARY—		Leased by the Municipal Com-	
Question re —, District Board,		mittee, Sialkot ..	185
Jhang ..	474-75	SHUT DOWNS—	
SECURITY—		Question re—	
Question re — of the <i>Ehsan</i> under		Chuharkana Electricity Branch	632
the Indian Press Act ..	740-41	In Low Tension Lines, Elec-	
SEDUCTION—		tricity Branch ..	632-33
Question re—		In trunk and branch transmis-	
In Schools ..	7	sion lines, Electricity Branch	631
Of boys by teachers ..	373, 405-06	SIBAN, MR.—	
SELECTION—		Question re appointment of — as	
Question re — of Sub-Judges ..	132	Local Manager in Electricity	
SELECTION BOARD—		Branch ..	626
Question re Medical — ..	290-91	SIKANDER HYAT KHAN, HON'BLE	
SERVANTS' FEE FUND—		CAPTAIN SERDAR SIR—	
Question re —, Gujrat College		Bill, Alienation of Land (Amend-	
Hostel ..	181	ment), the Punjab ..	611-12
SERVICE(s)—		Bill, Land Revenue (Amendment),	
Question re—		the Punjab ..	1182
Communal representation in		Bill, Relief of Indebtedness, the	
the — ..	234-36	Punjab—	
Nomination to — ..	541-44	Debt, exemption of certain	
Removal from — Electricity		class of, from jurisdiction	
Branch ..	628-29	of conciliation boards ..	952
Representation of Balmiki and		Debtors, definition of, ..	1121
Ad-Dharam community in —	67-8	Farewell by, ..	1397-98
Sikhs in the — ..	737-38	Franchise Committee's Report ..	1183-84,
Statutory Hindu agriculturists			1191
in various — ..	663	Joint Parliamentary Committee's	
SERVICE APPEALS—		Report ..	1183-84,
Question re — in the Lahore High			1190,
Court ..	298		1248-53.
SETTLEMENT(s)—		Resolution re concessions to auc-	
Question re Criminal Tribes Ag-		tion purchasers of land in Shah-	
ricultural —, Birtchehari ..	172	dara tahsil ..	493-96
		Shah Muhammad, Chaudhri, re-	
		ference to late, ..	384
		Sittings of the Council ..	1223

	PAGES.		PAGES.
SIRANDER HYAT KHAN, HON'BLE		STATUTORY AGRICULTURIST(S)—	
CAPTAIN SIEDAR, SR.—concl'd.		<i>concl'd.</i>	
Supplementary demands—		Question re—concl'd.	
Rules under Wild Birds and		Hindu — as sub-judges ..	132-33
Wild. Animals Protection		Hindu — in certain cadres of	
Act.	392-94	Irrigation Department ..	664
Rural reconstruction ..	394-96	Hindu — in certain cadres of	
SIKH(S)—		police service ..	664
Question re—		Hindu — in Provincial Educa-	
Representation of — in Finan-		tional Service ..	662
cial Commissioners' Office ..	368	Hindu — in Subordinate Edu-	
And Educational Gazette, Jul-		catinal Service ..	662-63
lundur ..	1224	Hindu — in various services ..	663
In Deputy Commissioners' Offi-		In Financial Commissioner's	
ces, Jullundur division ..	70	Office ..	29
Officials in Jagraon ..	70	In the ministerial establishment	
SIKH LADIES—		in the High Court and the	
Question re — in Punjab Edu-		courts subordinate to it ..	666
cational Service ..	9	In Prosecuting Branch, Police	
SIMLA EXODUS—		Department ..	665
Question re — of Chief Engi-		STENOGRAPHERS—	
neers ..	66	Question re vacancies amongst —	77
SIRSA BRANCH—		STIPENDS—	
Question re — of the Western		Question re — to Muslim girls ..	183
Jumna Canal ..	544-49	STUDENTS—	
SITA RAM GUPTA, MR.—		Question re—	
Question re — of the Education		Charges for provisional certi-	
Department ..	251	ficates of LL. B. class — ..	732
SITES—		Muslim — in Central Model	
Question re — for Pir Mahal		School, Lahore ..	46
Mandi ..	38	Visiting cinemas ..	601
SIYASAT—		SUB-ASSISTANT SURGEONS—	
Question re objectionable poem		Question re pay of — ..	118
in daily — ..	455	SUB-DIVISIONAL OFFICER—	
SNAKE BITE—		Question re—	
Question re deaths from — ..	601	Divisional and — Canals,	
SPECIAL PAY—		Lyallpur ..	433
Question re—		Mr. Sally, —, Subraon	
Abolition of — to officers of		branch ..	857-58
Imperial Services ..	566	SUB-INSPECTOR(S)—	
And allowances ..	696	Question re—	
STAFF—		Candidates for the post of — of	
Question re—		Fisheries ..	243, 725
Clerical — in the Electricity		Excise — ..	663-64
Branch ..	633-34	Indian Christians as — of	
Of Central Training College,		Police ..	295
Lahore ..	579	Jat Inspectors or — of excise,	
Of Government College, Lahore		Ambala division ..	29
Temporary — of 3rd Bahawal-		Murder of Munshi Abdulla	
pur Circle ..	476-77	Khan, — of Police, Rohtak ..	134-35
STAMPS—		Pay of — of Police ..	118-19
Question re sale of court fee and		Of Police, Hisar and his staff ..	554
other — ..	578	Of Police, Indari ..	20
STATE PRISONERS—		SUB-JUDGES—	
Question re — and detenus ..	659	Question re Indian Christian — ..	666
STATEMENTS—		Question re — ..	27-8
Showing action taken by Govern-		Question re selection of — ..	132
ment on cuts made by Council		SUB-JUDGE'S EXAMINATION—	
in original and supplementary		Question re—	
demands ..	610	Candidates for — ..	693-94
Showing action taken by Govern-		Lala Basant Lal, candidate	
ment on resolutions of Council		for — ..	693
STATUTORY AGRICULTURIST(S)—		SUBORDINATES—	
Question re—		Question re — in Irrigation	
Brahmins not treated as — ..	302	branch ..	12-19
Dogra as — ..	245-46	SUBORDINATE COURTS—	
		Question re Indian Christians as	
		clerks in — ..	298

	PAGES.		PAGES.
SUBORDINATE EDUCATIONAL SERVICE—		SUTLEJ VALLEY PROJECT—	
Question re—		Question re—	
Anglo-vernacular section of— ..	73-4	Cotton in the Dipalpur	
Classical and vernacular section of— ..	74-5	Inundation and — Canals ..	1226-27
Grievances of the— ..	860-82	Occupier's rates on — canals ..	955
Statutory Hindu Agriculturists in — ..	662-63	Question re— ..	647-50
SUBORDINATE ENGINEERING SERVICE—		Question re—	
Question re — and Indian Christians ..	295-96	Temporary staff of 3rd Bahawalpur Circle — ..	476
SUBORDINATE SERVICE—		Transfer of employees in the — ..	594
Question re Forest Department — and clerical — and Indian Christians ..	297	SYNDICATE—	
SUB-REGISTRAR (S)—		Question re Chief Justice as a Member of the — of Punjab University ..	554
Question re —, Kasur ..	454	SYPHILIS—	
SUFEDPOSHES—		Question re — and gonorrhoea ..	1222-23
Question re suspension or dismissal of zaildars, — and lambardars ..	275	T.	
SUGAR MANUFACTURING COMPANIES—		TABILDAR(S)—	
Question re — ..	1147-48	Question re—	
SUICIDE—		Indian Christians — and Naib-tahildars, etc. ..	297
Question re cases of — and attempted — ..	150, 409-10	Qualifications for — ..	608
SUPERINTENDENT—		Recruitment of — ..	608
Question re—		Candidates from Hindu Rajputs of Ambala division ..	1222-24
Coyne, Mr. —, Irrigation Secretariat ..	131, 425-27	And naib-tahildars belonging to Simla district ..	1223
Line — ..	708-09	TAKAVI—	
Dispensary, Mayo Hospital, Lahore ..	36	Question re—	
SUPERINTENDING ENGINEER—		Remission of — in Hissar district ..	483-84, 487
Question re — Electrical Department ..	8	In Hissar district ..	3-4
SUPERSESSION—		For sinking tube wells in Jullundur district ..	526-27
Question re — by Shamsher Bahadur, Agricultural Department ..	714	Loan to Ahmad Hussain, Lambardar, Zuhawan, Ludhiana district ..	521
SUPERVISING STAFF—		In Sonapat ..	44
Question re — in Criminal Tribes Department ..	173	TARMIM MEASUREMENT—	
SUPPLEMENTARY DEMANDS FOR GRANTS—		Question re — in Lyallpur ..	658-59
Administration of justice ..	667	TAT—	
Education (Reserved) ..	667	Question re — ..	605
Miscellaneous (Transferred) ..	667	TAWAN(S)—	
SUSPENSION—		Question re — ..	103-10
Question re—		TAX—	
Of Civil disobedience and removal of ban on candidates for Assembly ..	123	Question re —	
Of land revenue in Rohtak, Hissar, Gurgaon and Karnal districts ..	41-3	Ahrat — on vegetables in Siakot Municipality ..	65
Of Revenue and local rates in Gurgaon district ..	361-02	Cinema houses and entertainment — ..	566
Or dismissals of zaildars, sufedposhes and lambardars ..	275	Hajiyat or professional — ..	151-52
SWORD—		On bicycles ..	567
Question re exemption of — from the Arms Act ..	449	On bottles of aerated waters ..	567
		On private motor cars ..	308
		On tobacco ..	597-98
		Professional — in the district of Ferozepore ..	139-40
		Professional or Hajiyat — in Ambala ..	455-56
		Punitive police —, chak 174, Muhammadpura ..	660
		Recovery of professional — in Ferozepore district ..	137
		Terminal — rates in Kasur Municipality ..	471

	PAGES.		PAGES.
TAXATION OFFICER—		TRAFFIC—	
Question re — District Board, Jhang	475	Question re public — on Canal banks	225-26
TAX OFFICERS—		TRAINING COLLEGE—	
Question re profession —, Jhelum	313	Question re Mr. Ghani Sham Das, B.A., B.T., Lecturer, —, Lahore	253-54
TAXIA PROCESSION—		TRAINING INSTITUTIONS—	
Question re riots in connection with the —	239-40	Question re Inspector of —	481-82
TEACHERS—		TRANSFER(S)—	
Question re—		Question re—	
Anglo-vernacular — in Govern- ment Schools	481	Of Mr. Basheshar Nath, Clerk of Court	299
Of Central Model School, Lahore	112-13, 424-25, 427-28, 465-66, 373	Of employees in the Sutlej Valley Project	594
Seduction of boys by —	373	Of officers and subordinates of the Education Department..	427
Women —	153-54	TRANSFER OF PROPERTY ACT—	
Remission of fees for — sons ..	377-78	Question re application of — to urban areas	567
Unauthorised private tuitions by — of Central Model School, Lahore	47	TRANSMISSION LINES—	
TEACHING CERTIFICATES—		Question re shut downs in the trunk and branch —, Electricity Branch	631
Question re Cancellation of — ..	74	TRAVELLING ALLOWANCE—	
TECHNICAL DEPARTMENTS—		Question re —	
Question re — and non-technical officers	206-68, 270-71	For attending meeting of the Punjab Reclamation League ..	471
TECHNICAL SCHOOL—		Of engineering subordinates in the Irrigation Branch	293
Question re Government —, Lahore	52-60	TRAVELLING EXPENSES—	
TEMPERANCE PROPAGANDA—		Question re payments of — and diet money by criminal courts ..	167-68
Question re —	310	TREASURE TROVE—	
TEMPERANCE UNION—		Question re —	72-3
Question re Women Christian —, Delhi	600	TREASURY OFFICER—	
TENSION LINES—		Question re —, Ambala	163
Question re shut downs in the Low —, Electricity Branch ..	482	TRIAL—	
TEXT BOOK COMMITTEE—		Question re — of Mughla	337
Question re Publications of — ..	290	TUBE WELLS—	
TERMINAL TAX—		Question re Taqavi for sinking — in Jullundur district	535-37
Question re — rates in Kasur Municipality	471		
TERRORISTS—			
Question re powers to deal with — in the next constitution ..	1309-10		
THEFTS—			
Question re — and house-breaking in Hissar district	550-51		
TOBACCO—			
Question re—			
Persons selling — in Lahore ..	598		
Tax on —	597-98		
TOBACCO VAND FEES ACT, THE PUNJAB—			
Question re —	654		
TOY-MAKING—			
Question re — in Government Technical School, Lahore	496-97		
		U.	
		UJJAL SINGH, SARDAR SAHIB SARDAR—	
		Bill, Relief of Indebtedness, the Punjab—	
		Application of — to loans advanced for trade or industry ..	936
		Reference to select committee ..	189-294
		Owen Roberts, reference to late Mr.	2
		UMAR HAYAT, CHAUDHRI—	
		Oath of office	1
		UNIVERSITY—	
		Question re Chief Justice as a member of the syndicate of the Punjab	554
		Question re representation of faculty of Law in the Punjab —	1133

PAGES.		PAGES.
	UNIVERSITY EXAMINATION—	VICE-CHAIRMAN—
457	Question re facilities in ..	Question re—
	UPPER CHAMBER—	Election of Senior and Junior
619	Question re constitution of — in	— Lahore District Board .. 375-76
	the Punjab ..	Junior — Lahore District
	UPPER CHENAB CIRCLE—	Board .. 377
718	Question re munshis, — ..	Tenure of office of —, Lahore
	URDU—	District Board .. 376
	Question re District Inspector of	VICE-PRESIDENTS—
572-73	Schools, Gurgaon district and	Question re—
	teaching of Hindi and — in	Election of the Senior and
	primary schools ..	Junior — of Lahore District
		Board .. 146-48,
		149-50,
		410
	V.	VOLUNTEERS—
	VACANCIES—	Question re carrying of <i>lathi</i> by
	Question re—	Mahabirdal —, Rawalpindi
720-21	In the cadre of agricultural as-	City .. 1186
28-9	sistants ..	VOTERS—
	In Civil Secretariat ..	Question re bogus —.. 1310
	VACATION—	
	Question re summer — in	W.
5	schools in Ambala division ..	WAOR, MR. F. B.—
	VATSAYANA—	Bill, Relief of Indebtedness, the
68	Question re detention of Mr. S. H.	Punjab—
	— in custody ..	Motion for re-circulation .. 797-98
	VEGETABLES—	Reference to select committee
65	Question re <i>Ahrat</i> tax on — in	Oath of office .. 1,405
	Sialkot municipality ..	WAKEFIELD GANJ—
	VEHICLE STANDS—	Question re Houses of ill-fame in
309	Question re—	Muhalla —, Ludhiana .. 621-22
311	And a charge of one anna ..	WARDERS—
	At the villages, Kana Kachha	Question re Head Warders, — and
	and Lulliani ..	Matrons in the Jail Department
	VERNAOULAE MISTRESSES—	and Indian Christians .. 298
291	Question re — employed as in-	WATER—
	vigilators ..	Question re supply of — on con-
	VERNAOULAE SCHOOLS—	tract system .. 114-15
379	Question re—	WATER-CHANNELS—
380-81	Communal representation in —	Question re—
	Primary Lower Middle and	For irrigation .. 563,
	Upper Middle — in the	119-20
	Punjab ..	WATERLOGGING—
	VERNAOULAE SECTION—	Question re—
74-5	Question re classical and — of	Near Jaranwala town .. 110
	Subordinate Educational Ser-	In Gujrat district .. 576-77
	vice ..	WATER MAN—
	VETERINARY COLLEGE—	Question re Hindu — for the
266	Question re Muslims in the office	Gujrat College .. 231-32
	of Principal, — ..	WATER RATES—
	VETERINARY DEPARTMENT—	Question re—
266	Question re Chaudhri Kahan	Non-perennial channels of
	Singh, P.V.S., Deputy Superin-	Dipalpur and Pakpattan
	tendent, Civil — Sheikhpura	tahsils and relief in — .. 560-61
	VETERINARY SURGEONS—	Reduction of — .. 258-59
719-20	Question re Members of the Royal	For crops .. 114
	College of — ..	WATER SUPPLY—
		Question re — to gardens .. 70-71

	PAGES.		PAGES.
WEEDS—		WITHDRAWALS—	
Question re -- known as <i>Pohli</i> and <i>Leh</i>	318	Question re -- from the Central Co-operative Bank, Ferozepore ..	609
WELLS—		WITHDRAWAL ORDER—	
Question re charges for lifting water from -- with hydro- electric current	306-07	Against Chaudhri Allah Dad Khan for disorderly conduct ..	222
WESTERN JUMRA CANAL—		Forgiveness	226
Question re Sirsa Branch of the --	544-49	WOMAN(EN)—	
WHEAT—		Question re—	
Question re—		In Education Department ..	179
Average yield per acre of -- ..	438	Of village Pakasma in Rohtak district killed by dacoits ..	272
Produce of -- and gram ..	243-44	WOMEN CHRISTIAN TEMPERANCE UNION—	
Railway freight on cotton and—	124	Question re -- Delhi	600
Crop	239	WOMEN'S COLLEGES—	
Crop in <i>Haga Beit</i>	232	Question re physical instruction in girls' schools and -- ..	315-16
WILD BIRDS AND WILD ANIMALS PROTECTION ACT—		WOMEN TEACHER(S)—	
Rules under, criticism of, ..	385-86, 392-94, 398.	Question re Second Mistress at the Phalia Zenana School ..	523-24
WIRELESS SETS—			
Question re --	743		

